

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 8—PROMOTION, DEMOTION, REASSIGNMENT AND TRANSFER

PART 24—FORMAL EDUCATIONAL REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Section 8.106 is added to Part 8 as follows:

§ 8.106 *Promotion of substitutes in the Postal Service.* Substitutes shall be promoted to the first vacancies occurring in regular positions in the order of their original appointment, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by promotion, transfer, or reinstatement.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

2. Section 24.6 is amended to read as follows:

§ 24.6 *Graduate Nurse, P-660, all grades; and Public Health Nurse and Nursing Consultant, P-690-2-8—(a) Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full three-year course in residence in an approved school of nursing, which course must have included organized instruction and broad clinical practice in medical, surgical, pediatric, and obstetric nursing; or

(2) A full two-year course in residence in an approved school of nursing; plus additional appropriate nursing experience or pertinent education which, when combined with the two-year course in nursing, will have included instruction and broad clinical practice in medical, surgical, pediatric, and obstetric nursing, will total three years of education and experience, and will give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a three-year course in an approved school of nursing.

These requirements apply to all graduate nurse positions in the following and related services: (1) Hospitals (sometimes referred to as staff nurse, general

duty nurse, or ward nurse), (ii) clinics or dispensaries, (iii) sanatoria, (iv) infirmaries, (v) rapid treatment centers, (vi) emergency or health rooms in government agencies, (vii) public health service.

Included in or in addition to the training requirements stated above, applicants for the positions of Public Health Nurse and Nursing Consultant, P-690, must show the successful completion of a program of study of at least 30 semester hours in public health nursing approved by the National Organization for Public Health Nursing.

(b) *Duties.* (1) Graduate Nurses, P-660, work under medical direction and under nursing supervision in rendering expert nursing care, both physical and mental, and in applying the social aspects of nursing as indicated to all types of patients. This includes administering prescribed therapeutic treatment and medications; assisting physicians in examining patients, in treatments, in research, and in other medical procedures; instructing patients and their families; instructing and supervising non-professional groups in their assigned duties; maintaining adequate supplies; caring for equipment; and creating a pleasant and restful environment favorable to patients' recovery.

(2) Public Health Nurses and Nursing Consultants, P-690, working under only general supervision and with responsibilities varying with the grade of the position, perform or supervise the performance of the following activities: Arrange for nursing care in homes and industrial plants and the teaching of others to give such care; provide interpretive and liaison service to appropriate representatives, groups, and institutions such as hospitals, rapid treatment centers, local clinics, and social agencies engaged in any phase of a public health program; prepare or participate in the preparation of pamphlets and other documents furnishing pertinent nursing information to the public; formulate plans to carry out needed research in specialized fields of nursing; confer with nursing schools, universities, and other educational institutions on revisions and modifications of curriculum insofar as they are related to a nursing specialty; and perform related promotional, consultative, educational, and service functions in the field of nursing.

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(c) Knowledge and training requisites for performance of duties. The duties described in paragraph (b) of this section can be performed only by persons who are familiar with the principles and techniques underlying the modern treatment and care of patients with all types of physical and mental conditions. Ability to recognize symptoms and reactions to therapeutic treatments and medications and a knowledge of biological

cal, physical, medical, and social sciences as well as a knowledge of nursing and allied arts is necessary. In addition, Public Health Nurses and Nursing Consultants, P-690, must be thoroughly trained in the methods and principles of public health nursing and be familiar with the facilities available and methods of using each to promote and effect a public health program.

These technical knowledges and skills can be acquired only by completion of a full course of basic training in residence in an approved school of nursing offering instruction and broad clinical practice under adequate educational direction. The specialized training in public health nursing can be obtained only in an institution having adequate classroom, laboratory, and library facilities, competent instructors, and a program of study in public health nursing, progress in which is evaluated by the application of appropriate standards of attainment.

3. The headnote of § 24.51 is amended to read "Forest Pathologist, P-484-2-5."

(Sec. 5, 58 Stat. 388; 5 U. S. C., Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-11244; Filed, Dec. 28, 1948;
9:00 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 508—WINTER PEAR EXPORT AND DIVERSION PROGRAM

§ 508.1 *Winter pears.* The Production and Marketing Administration will give assistance to producers of winter pears through an export benefit and domestic diversion program, pursuant to clauses (1) and (2) of section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended. The purposes of the program are to furnish incentive in regaining historically important European export markets, and to encourage domestic consumption of winter pears by shipments of such pears to certain States where consumption of them is low compared with consumption in other States.

Winter pears grown in the States of Oregon, Washington and California will be eligible for export benefit and domestic diversion payments, subject to limitations contained in an agreement between the Administrator of the Production and Marketing Administration and a nonprofit association representing producers of winter pears.

The program provides for export benefit and domestic diversion payments on

a maximum quantity of 500,000 boxes at forty-five (45) cents per box at a cost of not to exceed \$225,000 for pears sold and exported, or sold and shipped to a domestic diversion market, by members of the association during the periods beginning on the date on which the member involved signs an appropriate contract with the association and ending on the date specified for each variety as follows: Fall Russet Bosc, February 1, 1949; Doyenne du Comice, March 15, 1949; and, Beurre D'Anjou and Winter Nelis, May 15, 1949.

Information as to such export and diversion operations may be obtained from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 515 S. W. Tenth Avenue, Portland 5, Oregon, or from the Deciduous Fruit Division, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. 612c; Pub. Law 472, 80th Cong.)

Dated this 22d day of December 1948.

[SEAL] RALPH S. TRIGG,
Administrator, Production
and Marketing Administration.

[F. R. Doc. 48-11336; Filed, Dec. 28, 1948;
8:58 a. m.]

Subchapter C—Loans, Purchases and Other Operations

PART 618—FRUITS AND BERRIES, DRIED AND PROCESSED

STATEMENT OF POLICY

The third paragraph of the Statement of Policy, issued September 15, 1948 (13 F. R. 5457) is hereby amended to read as follows:

All fruit purchased will be U. S. Grade C or better as specified in the U. S. Standards for Grades of the various processed dried fruits, except that if CCC should purchase processed dried prunes of the 100/120 size, fig paste, or peach slabs, or fruit in natural condition form, the minimum grades of these items will be determined by the Manager, Commodity Credit Corporation or his designee.

The dried fruit purchased will be used as assistance to and for relief feeding in foreign countries, and for school lunch and institutional feeding in this country.

(Sec. 4 (b), 55 Stat. 498, as amended, Pub. Law 806, 80th Cong.; secs. 1 (d), 2, Pub. Law 897, 80th Cong.; 15 U. S. C. 713 a-8 (b))

Issued this 22d day of December 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: December 22, 1948.

RALPH S. TRIGG,
President, Commodity Credit
Corporation.

[F. R. Doc. 48-11329; Filed, Dec. 28, 1948;
8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS COVERING THE 1949 CROP YEAR (MONETARY COVERAGE INSURANCE)

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to annual multiple crop insurance contracts for the 1949 crop year, until amended or superseded by regulations hereafter made.

- Sec.
- 420.1 Availability of multiple crop insurance.
 - 420.2 Insurable crops.
 - 420.3 Coverages per acre.
 - 420.4 Premium rates.
 - 420.5 Application for insurance.
 - 420.6 The contract.
 - 420.7 Person to whom indemnity shall be paid.
 - 420.8 Public notice of indemnities paid.
 - 420.9 Death, incompetence, or disappearance of insured.
 - 420.10 Fiduciaries.
 - 420.11 Assignment or transfer of claims for refunds of excess note payments not permitted.
 - 420.12 Refund of excess note payments in case of death, incompetence, or disappearance.
 - 420.13 Creditors.
 - 420.14 Rounding of fractions.
 - 420.15 The policy.

AUTHORITY: §§ 420.1 to 420.15 issued under secs. 506 (e), 507 (c), 508, 509, 518 (b), 52 Stat. 73-75, 77, as amended, Pub. Law No. 320, 80th Cong.; 7 U. S. C. and Sup. 1508 (e), 1507 (c), 1508, 1509, 1516 (b).

§ 420.1 *Availability of multiple crop insurance.* (a) Multiple crop insurance under an annual contract for the 1949 crop year will be provided only in accordance with this subpart in the following counties:

State and County

Michigan: Gratiot.
Minnesota: Dakota, Goodhue, Stevens.
North Carolina: Perquimans.
South Dakota: Hutchinson.
Wisconsin: Fond Du Lac.

(b) Insurance will not be provided with respect to applications for multiple crop insurance filed in a county in accordance with this subpart unless such written applications cover at least 200 farms in the county. For this purpose an insurance unit shall be counted as one farm.

§ 420.2 *Insurable crops.* The insurable crops in each county shall be selected by the Corporation from the following crops (as defined in section 27 of the policy):

Barley.	Mixture of flax and
Corn.	spring wheat.
Cotton.	Oats.
Dry edible beans.	Peanuts.
Flax.	Soybeans.
Mixture of spring	Spring wheat.
wheat and oats.	

The crops selected for each county shall be shown on the county actuarial table on file in the county office and shall also be specified on the application for insurance.

§ 420.3 Coverages per acre. For each insurable crop in each county the Corporation shall establish coverages per acre, by areas, which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office. If a mixture of flax and spring wheat is seeded the flax coverage shall apply if the Corporation determines that the amount of spring wheat in the mixture does not exceed the customary amount seeded to facilitate the production of flax, but if the Corporation determines that more than such customary amount of spring wheat is in the mixture the spring wheat coverage shall apply. If a mixture of spring wheat and oats is seeded the oats coverage shall apply.

§ 420.4 Premium rates. For each insurable crop in each county, the Corporation shall establish premium rates per acre, by areas, for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for multiple crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office.

§ 420.5 Application for insurance. Application for insurance on a form entitled "Application for Multiple Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper in all insurable crops in the county. Applications shall be submitted to the county office on or before the closing date for filing applications, which date shall be March 31, 1949 for all counties.

§ 420.6 The contract. Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the multiple crop insurance policy issued by the Corporation. The provisions of this policy are shown in § 420.15.

§ 420.7 Person to whom indemnity shall be paid. (a) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this subpart, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a

proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(b) The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which indemnity payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive, and payment of an indemnity to such person(s) shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

§ 420.8 Public notice of indemnities paid. The Corporation shall provide for the posting in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 420.9 Death, incompetence, or disappearance of insured. (a) If the insured dies, is judicially declared incompetent, or disappears after the planting of any insured crop but before the time of loss, and his insured interest in the insured crop(s) is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop(s) or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceeds \$500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent, or disappears after the planting of any insured crop but before the time of loss, and his insured interest in the insured crop(s) is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in the multiple crop insurance policy.

(c) If an applicant for insurance or the insured, as the case may be, dies, or is judicially declared incompetent less than 15 days before the closing date for the filing of applications for insurance and before the beginning of planting of any insured crop intended to be covered by insurance, whoever succeeds him on the farm with the right to plant the insurable crop(s) as his heir or heirs, administra-

tor, executor, guardian, committee or conservator, shall be substituted for the original applicant or the insured upon filing with the county office within 15 days (unless such period is extended in writing by the Corporation) after the date of such death, judicial declaration, or before the date of the beginning of planting of any insurable crop, whichever is earlier, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant arising out of such application or the contract. If no such statement is filed, as required by this paragraph, the original application or contract shall be void.

(d) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the county office written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 420.10 Fiduciaries. Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity, will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop(s) to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 420.11 Assignment or transfer of claims for refunds of excess note payments not permitted. No claim for a refund of an excess note payment or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any insured crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 420.12.

§ 420.12 Refund of excess note payments in case of death, incompetence, or disappearance. In any case where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 420.9 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 420.13 Creditors. An interest (including an involuntary transfer) in an insured crop existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not entitle any holder of any such

interest to any benefits under the contract.

§ 420.14 Rounding of fractions. The premium, the total coverage and the value of the total production shall be rounded to the nearest cent. Total production shall be rounded to the nearest bushel (pound in the case of dry beans, cotton, and peanuts). Fractions of acres shall be rounded to tenths of acres. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward. If the last digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 420.15 The policy. The provisions of the multiple crop insurance policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the "Corporation") does hereby insure

(Name)	(Policy Number)
(Address)	(County) (State)

(hereinafter designated as the "insured") against loss on his insured crops while in the field due to unavoidable causes including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation.

In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued this _____ day of _____, 1949.

FEDERAL CROP INSURANCE CORPORATION,
By _____
State Crop Insurance Director.

TERMS AND CONDITIONS

1. Crops insured. The crops to be insured shall be those crops which are specified on the application. If the insured plants any part of his insurable crops (except cotton) for purposes other than for harvest as grain, beans, or nuts, as the case may be, he shall submit with his acreage report a designation of any acreage so planted. Upon approval of the Corporation, the acreage used in computing the premium and total coverage shall not include acreage so designated. However, any production harvested from such acreage shall be considered as production on the insured acreage in determining any loss under the contract.

2. Insurable acreage. Any acreage is insurable for a crop only if a coverage for such acreage is shown for that crop on the county actuarial table (including maps and related forms) on the closing date for filing applications for insurance (hereinafter called the "closing date").

3. Responsibility of insured to report acreage and interest. Each applicant shall specify on a form entitled "Multiple Crop Insurance Acreage Report", filed with his application, the number of acres (of each insurable crop) on which insurance is desired on each insurance unit in the county, and his interest in each such acreage. Any acreage report filed by an applicant may be revised by him on or before the closing date. In case a substitute insured crop is to be planted on acreage released by the Corporation and such acreage has definite boundaries and a full seeding of the substitute crop is to be made in time reasonably to ex-

pect a normal crop to be produced, such acreage of the substitute crop may be reported on a supplemental acreage report if it is filed by the insured with the Corporation representative at the time the first crop is released. After the completion of planting of all insured crops on any insurance unit covered by the contract, but not later than June 30, 1949, the insured may file a revised acreage report with respect to such unit showing the actual acreage planted thereon to all insured crops provided the total premium for the insurance unit based on the actual acreage planted is not more than the premium for such unit based on the acreage report on file as of the closing date, plus any supplement thereto which meets the requirements set forth above.

4. Insured acreage. The insured acreage with respect to each insurance unit shall be the acreage of all insured crops as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that (a) insurance shall not attach with respect to (1) any acreage planted to an insured crop which is destroyed or substantially destroyed and on which it is practical to replant to the same crop, as determined by the Corporation, and such acreage is not replanted to such crop, or (2) any acreage initially planted to an insured crop too late to expect a normal crop to be produced, as determined by the Corporation; and (b) if the premium computed for an insurance unit on the basis of the insured's acreage report is less than the premium computed for the planted acreage of all insured crops on the insurance unit, the insured acreage for each insured crop on the insurance unit shall be reduced proportionately.

5. Insured interest. The insured interest in each insured crop covered by the contract shall be the insured's interest at the time of planting as reported on the acreage report or the interest which the Corporation determines as the insured's actual interest in the crop at the time of planting, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest, whichever occurs first.

6. Covers per acre. (a) The coverage per acre for each insured crop is progressive by stages of production. The stages for each insured crop except dry beans and peanuts are as follows:

First stage: Acreage released by the Corporation and planted to a substitute crop.

Second stage: Acreage released by the Corporation, not harvested (or not to be harvested in the case of corn) and not planted to a substitute crop.

Third stage: Acreage harvested (or to be harvested in the case of corn).

The stages of production for dry beans and peanuts are as follows:

First stage: Acreage released by the Corporation and not pulled or cut in the case of dry beans and not dug in the case of peanuts.

Second stage: Acreage released by the Corporation after being pulled or cut in the case of dry beans and dug in the case of peanuts, but before being threshed.

Third stage: Acreage threshed.

(b) The coverage per acre for each insured crop shall be the applicable number of dollars established for the area in which the insured acreage is located, and shall be shown by stages of production on the county actuarial table on file in the county office. If a mixture of flax and spring wheat is seeded the flax coverage shall apply if the Corporation determines that the amount of spring wheat in the mixture does not exceed the customary amount seeded to facilitate the production of flax, but if the Corporation determines that more than the customary amount of spring wheat is in the mixture the spring wheat cov-

erage shall apply. If a mixture of spring wheat and oats is seeded the oats coverage shall apply.

7. Predetermined price for valuing production. In determining any loss under the contract, the cash value of the production shall be determined on the basis of the following prices: (a) Barley, \$1.10 per bushel; (b) corn, \$1.35 per bushel; (c) cotton, \$0.27 per pound; (d) dry beans, \$0.06 per pound after picking; (e) flax, \$3.80 per bushel; (f) oats, \$0.70 per bushel; (g) peanuts, \$0.10 per pound; (h) soybeans, \$2.00 per bushel; and (i) spring wheat, \$1.90 per bushel.

8. Insurance period. Insurance with respect to any insured acreage shall attach at the time the insured crop is planted. Insurance shall cease with respect to (a) any portion of the corn crop upon harvesting or removal from the field, or with respect to any insurance unit upon submission of a claim for indemnity, and (b) any portion of all other insured crops upon threshing (picking in the case of cotton), or removal from the field, but in no event shall the insurance remain in effect on any crop later than December 10, 1949, unless such time is extended in writing by the Corporation.

9. Causes of loss not insured against. The contract shall not cover loss caused by: (a) failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plan a sufficient quantity of seed, failure properly to prepare the land for planting or properly to plant, care for or harvest and thresh the insured crop (including unreasonable delay thereof); (c) overpasture; (d) following different fertilizer or farming practices than these considered in establishing the coverage per acre; (e) planting an insurable crop on land which is generally not considered capable of producing a crop comparable to that produced on the land considered in establishing the coverage; (f) planting a variety of seed which differs materially in yield from the variety considered in establishing the coverage per acre; (g) planting excessive acreage under abnormal conditions; (h) planting an uninsured crop with an insured crop or in the growing insured crop; (i) planting an insured crop under conditions of immediate hazard; (j) inability to obtain labor, seed, fertilizer, machinery, repairs, or insect poison; (k) breakdown of machinery, or failure of equipment due to mechanical defects; (l) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, share-cropper or wage hand; (m) domestic animals or poultry; (n) action of any person, or state, county, or municipal government in the use of chemicals for the control of weeds; or (o) theft.

10. Notice of loss or damage. (a) If a loss under the contract is probable, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office immediately after any material damage to any insured crop. The crop shall not be harvested, removed, or any other use made of it (except as provided in section 11 (b) with respect to corn) until it has been inspected by the Corporation.

(b) If, at the completion of harvesting of the last insured crop, a loss under the contract has been sustained, notice in writing (unless otherwise provided by the Corporation) shall be given immediately to the Corporation at the county office. If such notice is not given within 15 days after threshing (harvest in the case of corn and cotton) is completed, or December 31, 1949, whichever date is earlier, the Corporation reserves the right to reject any claim for indemnity.

11. Released acreage and released crop. (a) Any acreage on which an insured crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The crop shall be deemed to

have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop, or harvest any portion thereof. No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. On any acreage where the crop has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

(b) The corn crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that such corn crop may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

12. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period for all insured crops planted on the insurance unit unless all insured crops on the insurance unit were destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such destruction, as determined by the Corporation.

13. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract. If a loss is claimed, any acreage of insured crops which is not to be harvested shall be left intact until the Corporation makes an inspection.

14. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 15 (b). An insurance unit consists of (a) all the insurable acreage in the county in which the insured has 100 percent interest at the time of planting, plus any insurable acreage owned by him and worked for him by sharecroppers at the time of planting, or (b) all the insurable acreage in the county owned by one person which is operated by the insured as a share tenant, or (c) all the insurable acreage in the county which is owned by the insured and is rented to one share tenant at the time of planting, or (d) all the insurable acreage in the county which is owned by one person and worked by the insured as a sharecropper at the time of planting. However, if an applicant so elects on his acreage report on or before the closing date, any two or more insurance units may be combined into one combination unit. Acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

15. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage planted to each insured crop by the applicable coverage per acre, and by the insured interest, and (2) subtracting from the total thereof the insured interest

in the value (based on the predetermined price) of the total production of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage specified on the acreage report is less than the premium computed for the planted acreage on the insurance unit. Such reduction shall be made on the basis of the ratio of the premium computed for the acreage specified on the acreage report to the premium computed for the planted acreage.

The total production for each insured crop on the insurance unit shall include all production determined in accordance with the schedule below. In determining production on acreage where a mixture of flax and spring wheat is insured, the production of each commodity shall be determined and handled

separately. In determining production on acreage where a mixture of spring wheat and oats is insured, all production shall be counted as oats on a weight-equivalent basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of an uninsured volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Any production of soybeans interplanted with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of appraisal of any unharvested crop standing in the field.

SCHEDULE

Crop	Acreage classification	Total production ¹
1. Each insured crop....	Acreage in the first stage of production released by the Corporation.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if the acreage were harvested and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop....	Acreage in the second stage of production released by the Corporation.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if the acreage were harvested and (2) dividing the result thus obtained by the predetermined price for the crop.
3. Each insured crop....	Acreage on which the commodity is harvested.	Actual production, including an appraisal of corn and cotton left in the field after harvest and an appraisal of corn used for ensilage or fodder. Appraised unharvested production.
4. Corn.....	Acreage remaining unharvested on Dec. 10, 1949, or at the time of submission of a statement in proof of loss, whichever date is earlier.	
5. Each insured crop....	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre for harvested acreage, determined on the basis of the predetermined price for the crop.
6. Each insured crop....	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre for harvested acreage (determined on the basis of the predetermined price for the crop), minus the number of bushels or pounds harvested.
7. Each insured crop....	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

¹ Production shall be in bushels for all crops except cotton, beans, and peanuts which shall be in pounds.

(b) If the production from two or more insurance units is commingled and the insured fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each, the insurance with respect to such units may be voided by the Corporation and the premium forfeited by the insured. However, if all the component parts are insured, the total coverage for the component parts may be considered as the total coverage for the combination, if the Corporation so elects, in which case any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom, and for one or more insurance units or portions thereof, any production from such acreage which is commingled with the production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation and the premium forfeited by the insured.

16. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may be liable will be payable within thirty days

after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay. (b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation. (c) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity. (d) If a check issued in payment of an in-

demnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

17. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in an insured crop before the beginning of harvest or the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 21. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop(s) than would have been paid if the transfer had not taken place. (b) An involuntary transfer of an insured interest in any insured crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract. (c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any interest due on the land involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. (d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

18. *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a part of any insured crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the contract shall be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of an indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

19. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer. (b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the insured crop(s), the Corporation reserves the right to deter-

mine its liability under the contract taking into consideration the amount paid by such other agency.

20. *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s), for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

21. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a "Statement in Proof of Loss" if the insured refuses to submit or disappears without having submitted such statement.

22. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, sale or other disposition, of all insured crops produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest and such records shall be made available for examination by the Corporation. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s) for purposes related to the contract.

23. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the premium note executed by the insured, whether before or after maturity, if (a) at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the insured crop(s) covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the insured crop(s) covered thereby, whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the premium note, at the time and in the manner prescribed.

24. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to stop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

25. *General.* (a) In addition to the terms and provisions in the application and policy, the Multiple Crop Insurance Regulations for Annual Contracts Covering the 1949 Crop Year (7 CFR, Part 420, § 420.1-420.15) shall govern with respect to (1) minimum participation requirement, (2) closing date for filing applications for insurance, (3) death, incompetence, or disappearance of the insured, (4) fiduciaries, (5) prohibition against assignment or transfer of claims for refunds, (6) creditors, and (7) rounding of fractions. (b) Copies of the regulations and forms referred to in this policy are available at the county office.

26. *Meaning of terms.* For the purpose of the multiple crop insurance program, the terms:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "County Actuarial Table" means the form and related material (including the crop insurance maps) approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county, and shall be on file in the county office.

(c) "County office" means the office of the county Agricultural Conservation Association in the county or other office specified by the Corporation.

(d) "Crop year" means the period within which the insured crops are planted and normally harvested, and shall be designated by reference to the calendar year in which the crops are normally harvested.

(e) "Harvest" means the applicable of the following, where the crop has not been destroyed or substantially destroyed:

(1) For corn: picking the corn from the stalk either by hand or machine, or cutting the corn for fodder or ensilage.

(2) For cotton: the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means. For the purpose of determining the stage of production, any acreage which has been harvested one time, as determined by the Corporation, shall be considered as harvested.

(3) For dry beans: threshing or combining.

(4) For peanuts: threshing or picking.

(5) For barley, flax, oats, soybeans, spring wheat, and mixtures of spring wheat and oats or flax; any mechanical severance from the land of the matured crop for threshing.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(g) "Sharecropper" means a person who works a farm in whole or in part under the supervision of the operator, with workstock and equipment furnished by a person other than himself, and who is entitled to receive a share of the insured crop(s) produced thereon or of the proceeds therefrom.

(h) "Share tenant" means a person (other than a sharecropper) who rents land from another person for a share of the crop(s) or proceeds therefrom produced on such land.

(i) "Substitute crop" means any crop, other than an uninsured legume crop, planted on released acreage for harvest in 1949.

27. *Definition of insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are defined as follows:

(a) "Barley" means barley seeded for harvest as grain as determined by the Corporation.

(b) "Corn" means corn normally regarded as field corn which is planted for harvest as grain, including corn with which soybeans are interplanted in the same row. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) "Cotton" means only American Upland cotton and does not include cotton planted primarily for experimental purposes.

(d) "Dry edible beans" (herein called "dry beans") means pea beans and medium white beans.

(e) "Flax" means flax seeded for harvest as seed as determined by the Corporation, either seeded alone or with perennial grasses or legumes other than vetch.

(f) "Oats" means oats seeded for harvest as grain as determined by the Corporation.

(g) "Mixtures of flax and spring wheat" means flax and spring wheat seeded together.

(h) "Mixtures of spring wheat and oats" means spring wheat and oats seeded together.

(i) "Peanuts" means peanuts planted for harvest as nuts as determined by the Corporation.

(j) "Soybeans" means soybeans planted for harvest as beans as determined by the Corporation, excluding soybeans interplanted in the same row with corn.

(k) "Spring wheat" means spring wheat (not covered for 1949 by a wheat Federal crop insurance contract) seeded for harvest as grain as determined by the Corporation.

28. *Amount of annual premium.* The premium rate per acre for each insured crop will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The premium for each insurance unit under the contract will be based upon (a) the acreage specified on the acreage report (including any supplemental acreage report covering a substitute crop), (b) the applicable premium rate(s) and (c) the insured interest in each crop at the time of planting. For the purpose of determining the amount of premium, a mixture of flax and spring wheat shall be considered as flax and a mixture of spring wheat and oats shall be considered as oats. The premium for the contract shall be the total of the premium computed for the insured for all insurance units covered by the contract. The premium with respect to any acreage shall be regarded as earned when the insured crop on such acreage is seeded.

29. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for multiple crop insurance. This note represents a promise to pay to the Corporation, on or before the applicable following date, the premium for all insurance units covered by the contract: Perquimans County, North Carolina, October 31, 1949; and all other counties, July 31, 1949. (b) A discount of five percent shall be allowed on any premium which is paid in full on or before the closing date. (c) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before December 31, 1949, and an additional three percent on the principal amount owing at the end of each six-month period thereafter. (d) Payment on any premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payments tendered shall not be regarded as paid unless collection is made. (e) Any unpaid amount of any premium plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any premium overpayment of less than \$1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

No. 253—2

Adopted by the Board of Directors on December 14, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 23, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-11333; Filed, Dec. 28, 1948;
8:58 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 725—BURLEY AND FLUE-CURED TOBACCO

APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR 1949-50 MARKETING YEAR

§ 725.3 *Basis and purpose.* The purpose of this proclamation is to apportion among the several States the national marketing quota for flue-cured tobacco for the 1949-50 marketing year proclaimed on August 6, 1948, and published in the FEDERAL REGISTER on August 12, 1948 (13 F. R. 4659), in accordance with the provisions of section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. Prior to the apportionment of such quota among the several States, public notice of the proposed action was given (13 F. R. 7502) in accordance with the Administrative Procedure Act. The views and recommendations of flue-cured tobacco growers and other interested persons have been duly considered, within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended, in apportioning the quota among the several States.

§ 725.4 *Apportionment of the national marketing quota for flue-cured tobacco for the 1949-50 marketing year among the several States.* The national marketing quota proclaimed in § 725.2 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of said act, as follows:

State	Acreage allotment
Alabama	1,500
Florida	19,603
Georgia	95,260
North Carolina	634,313
South Carolina	109,650
Virginia	96,493
Reserve ¹	4,804

¹ Increased from 484 to 500 to provide minimum allotment required by section 313 (e) of the Agricultural Adjustment Act of 1938, as amended.

² Acreage reserved for establishing allotments for farms upon which no flue-cured tobacco has been grown during the past five years.

(52 Stat. 46, 47, 202; 53 Stat. 1261; 7 U. S. C. 1312 (a), 1313 (a), 1313 (c), 1313 (g), 1313 (e))

Done at Washington, D. C. this 22d day of December 1948. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-11334; Filed, Dec. 28, 1948;
8:58 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 900—GENERAL REGULATIONS

In view of the numerous amendments which have been made in Title 7, Agriculture, Chapter IX, Production and Marketing Administration (Marketing Agreements and Orders), Part 900, General Regulations, of the Code of Federal Regulations, this part in its entirety is reprinted for convenient reference in the daily issue of the FEDERAL REGISTER. All amendments which have been made since June 1, 1938, the effective date of the original codification, through the date of publication hereof in the FEDERAL REGISTER, and which are currently in effect, have been incorporated in this reprint.

This reprint was prepared by the Division of the Federal Register with the concurrence of the Secretary of Agriculture, who has examined the contents for completeness and accuracy.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

SUBPART—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS

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SUBPART—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS

AUTHORITY: §§ 900.1 to 900.18 issued under sec. 10 (c), 48 Stat. 37, 50 Stat. 246, 248; 7 U. S. C. 610 (c). Statutes interpreted or applied or statutes giving special authority are listed in parentheses at the end of specific sections.

§ 900.1 Words in the singular form. Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 900.2 Definitions. As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(e) The term "Assistant Administrator" means any Assistant Administrator of the Production and Marketing Administration of the Department or any officer or employee of the Department to whom such Assistant Administrator has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

(f) The term "Administration" means the Production and Marketing Administration of the Department.

(g) The term "Federal Register" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

(h) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(i) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to section 8b of the act.

(j) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act, and after notice and hearing as required by said section.

(k) The term "proceeding" means a proceeding upon the basis of which a marketing agreement may be entered into or a marketing order may be issued.

(l) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D. C.

(m) The term "presiding officer" means the examiner conducting a proceeding under the act.

§ 900.3 Proposals. (a) A marketing agreement or a marketing order may be proposed by the Secretary or by any other person. If any person other than the Secretary proposes a marketing agreement or marketing order, he shall file with the Assistant Administrator a written application, together with at least four copies of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Assistant Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Assistant Administrator to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Assistant Administrator to conclude that the proposed marketing agreement or marketing order will tend to effectuate the declared policy of the act, or if the Secretary desires to propose a marketing agreement or marketing order, he shall sign and cause to be served a notice of hearing, as hereinafter provided.

§ 900.4 Institution of proceeding—
 (a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority under which the marketing agreement or marketing order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed marketing agreement or marketing order or a description of the subjects and issues involved and shall state the industry, area, and class of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as hereinafter provided, unless the Assistant Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Assistant Administrator may determine to be reasonable in the circumstances; *Provided*, That, in the case of hearings on amendments to marketing agreements or marketing orders, the time of the hearing may be less than 15 days but shall not be less than 3 days after the date of publication of the notice in the FEDERAL REGISTER.

(b) *Giving notice of hearing.* (1) Upon the filing of the notice of the hearing, the hearing clerk shall give or cause to be given notice of the hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a true copy of the notice of hearing to each of the persons known to the Assistant Administrator, to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers as reasonably will tend to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of such of the several States of the United States and to executive heads of such of the Territories and possessions of the United States as the Assistant Administrator, having due regard for the subject matter of the proposal and the public interest, shall determine should be notified.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; and failure to give notice in the manner provided in subdivisions, (ii), (iii), and (iv) of subparagraph (1) of this paragraph shall not affect the legality of the notice.

(c) *Proof of the giving of notice.* Proof of the giving of notice (other than by publication in the FEDERAL REGISTER) shall be by the affidavit or certificate of the person giving the same. Such affidavit or certificate shall be filed with the hearing clerk and the filing thereof shall be noted on the docket of the proceeding.

ing. (Paragraph (b), in part, applies 7 U. S. C. 608c (17).)

§ 900.5 Docket number. Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 900.6 Presiding officers—(a) Assignment. No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

(b) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer, in any proceeding, shall have power to:

- (1) Rule upon motions and requests;
- (2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;
- (3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law;

(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer. (Applies 7 U. S. C. 610 (h).)

(d) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 900.7 Motions and requests—(a) General. All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

Except as provided in § 900.15 (b) such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 900.10 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

§ 900.8 Conduct of the hearing—(a) Time and place. The hearing shall be held at the time and place fixed in the

notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as hereinbefore provided in § 900.4 (relating to the giving of notice of the hearing): *Provided, That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.*

(b) *Appearances—(1) Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any person participating in the proceeding, is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided, That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.*

In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hear-

ing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* The presiding officer shall have noted on the record his designation as presiding officer and the notice of the hearing as filed with the Division of the Federal Register. This shall be done by filing as an exhibit for the record a copy of the FEDERAL REGISTER containing such designation and such notice, or a duly certified copy of such designation and notice.

Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(d) *Evidence—(1) In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be re-

quired to be submitted within a time to be specified by the presiding officer. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing) the presiding officer, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided*, That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 900.9 Oral and written arguments—

(a) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument, when permitted, may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs, proposed findings and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material

other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as hereinbefore provided in § 900.8 (d), he shall include in the brief a concise statement concerning each such objection, referring where practicable, to the pertinent pages of the transcript.

§ 900.10 *Certification of the transcript.* The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer.

§ 900.11 *Copies of the transcript.* A copy of the transcript shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business, but such copy shall remain the property of the Department and may not be removed from said office.

If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 900.12 *Assistant Administrator's recommended decision—(a) Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Assistant Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Assistant Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion

presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) A ruling upon each proposed finding or conclusion submitted by interested persons, and (3) An appropriate proposed marketing agreement or marketing order effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision the Assistant Administrator shall give notice thereof, and opportunity to file exceptions thereto, to all interested persons in the same manner as provided in § 900.4 (relating to the giving of notice of the hearing). Within a period of time specified in such notice (to be fixed by the Assistant Administrator, but not to exceed 20 days) after the filing of the recommended decision with the hearing clerk, any interested person may then file with the hearing clerk exceptions to the Assistant Administrator's proposed marketing agreement or marketing order, or both, as the case may be, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed marketing agreement or marketing order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 900.13 *Submission to Secretary.* Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Assistant Administrator's recommended decision, if any, and such exceptions as may have been filed.

§ 900.13a *Decision by Secretary.* After due consideration of the record, the Secretary shall render a decision. Such decision shall become a part of the record and shall include (1) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, (2) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (3) a ruling upon each exception filed by interested persons and (4) either (i) a denial of the proposal to issue a marketing agreement or marketing order or (ii) a marketing agreement and, if the findings upon the record so warrant, a marketing order, the provisions of which shall be set forth directly or by reference, regulating the handling of the commodity or product in the same manner and to the same extent as such marketing agreement, which order shall be complete except for its effective date and any determinations to be made under § 900.14

(b) or § 900.14 (c): *Provided*, That such marketing order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 900.14 (b) or § 900.14 (c) have been met.

§ 900.14 *Execution of marketing agreement and issuance of marketing order*—(a) *Execution of marketing agreement*. If the Secretary has approved a marketing agreement, as provided in § 900.13a, the Assistant Administrator shall cause copies thereof to be distributed for execution by the handlers eligible to become parties thereto. If and when such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed by the hearing clerk to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice provided for in this paragraph, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement*. Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and handlers also have executed the same as provided in section 8c (8) of the act, he shall, if he finds that it will tend to effectuate the purposes of the act, issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a: *Provided*, That the issuance of such order shall have been approved or favored by producers as required by section 8c (8) of the act.

(c) *Issuance of marketing order without marketing agreement*. If, despite the failure or refusal of handlers to sign the marketing agreement, as provided in section 8c (8) of the act, the Secretary makes the determinations required under section 8c (9) of the act, the Secretary shall issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a.

(d) *Effective date of marketing order*. No marketing order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date therefor: *Provided*, That no marketing order shall become effective as to any person sought to be charged thereunder before either (1) it has been filed with the Division of the Federal Register, or (2) such person has received actual notice of the issuance and terms of the marketing order.

(e) *Notice of issuance*. After issuance of a marketing order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 900.4 (relating to the giving of notice of hearing).

§ 900.15 *Filing; extensions of time; effective date of filing; and computation of time*—(a) *Filing, number of copies*. Except as is provided otherwise herein,

all documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extensions of time*. The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Assistant Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of the presiding officer, Assistant Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing*. Any document or paper required or authorized by the foregoing provisions of this subpart to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

(d) *Computation of time*. Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

§ 900.16 *Discussion of issues, etc., of proceeding prohibited*. Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in a marketing agreement or marketing order proceeding and prior to the execution of a marketing agreement or the issuance of a marketing order therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however*, That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U. S. Department of Agriculture," the provisions of this section shall prevail.

§ 900.17 *Additional documents to be filed with hearing clerk*. In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any marketing agreement or marketing order and which the Secretary is required to issue or to approve.

§ 900.18 *Hearing before Secretary*. The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided*, That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

SUBPART—RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM MARKETING ORDERS

AUTHORITY: §§ 900.50 to 900.71, inclusive, issued under secs. 8c (15) (A) and 10 (c), 48 Stat. 37, 49 Stat. 760, 50 Stat. 246, 248; 7 U. S. C. 608c (15) (A), 610 (c). Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 900.50 *Words in the singular form*. Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 900.51 *Definitions*. As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. 601);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead;

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture;

(e) The term "Assistant Administrator" means any Assistant Administrator of the Production and Marketing Administration of the Department or any officer or employee of the Department to whom such Assistant Administrator has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead;

(f) The term "Administration" means the Production and Marketing Administration of the Department;

(g) The term "Federal Register" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(h) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act;

(i) The term "handler" means any person who, by the terms of a marketing order, is subject thereto, or to whom a

marketing order is sought to be made applicable;

(j) The term "proceeding" means a proceeding before the Secretary arising under subsection (15) (A) of section 8c of the act;

(k) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(l) The term "party" includes the Department;

(m) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D. C.;

(n) The term "presiding officer" means the examiner conducting a proceeding under the act;

(o) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties;

(p) The term "petition" includes an amended petition.

§ 900.52 Institution of proceeding—

(a) *Filing and service of petition.* Any handler desiring to complain that any marketing order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Assistant Administrator and the Solicitor, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law;

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant;

(6) An affidavit by the petitioner, or, if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition and stating that it is filed in good faith and not for purposes of delay.

(c) Application to dismiss petition—

(1) *Filing, contents, and responses thereto.* If the Assistant Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, or is not filed in good faith, or is filed for purposes of delay, he may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(2) *Decision by Secretary.* The Secretary, after due consideration, shall render a decision upon the application, stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the hearing clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Assistant Administrator. Any such order of the Secretary shall be a final order: *Provided*, That within 20 days following the service upon the petitioner of a copy of an order of the Secretary dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Referral to presiding officer.* The Secretary may, in his discretion, refer any application made under this section to the presiding officer for preliminary consideration and report, and, in a proper case, for the taking of evidence: *Provided*, That the provisions of §§ 900.60 to 900.65, inclusive, shall be applicable to the reception of such evidence, if any; the form, content, and filing of such report; the allowance of exceptions thereto; and transmittal of the record to the Secretary.

(4) *Oral argument.* Unless a written application for oral argument is filed by a party with the hearing clerk not later than the time fixed for filing papers in opposition to the application, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary or the presiding officer, as the case may be.

§ 900.52a Answer to petition—(a)

Time of filing. Within 30 days after the filing of the petition, the Assistant Administrator shall file an answer thereto: *Provided*, That if an application to dismiss the petition, in whole or in part, is made pursuant to § 900.52 (c), the answer shall be filed within 15 days after the filing of an order of the Secretary denying the application or granting the application with respect to only a portion of the petition. The answer shall be filed with the hearing clerk who shall cause a copy thereof to be served promptly upon the petitioner.

(b) *Contents.* The answer shall specify which of the material allegations of fact or of law in the petition are controverted and which are not controverted. The answer also may contain affirmative allegations of fact constituting separate defenses and statements of objections to the sufficiency of the whole or any part of the petition.

§ 900.52b *Amended pleadings.* At any time before the close of the hearing the petition or answer may be amended, but the hearing shall, at the request of the adverse party, be adjourned or recessed for such reasonable time as the presiding officer may determine to be necessary to protect the interests of the parties. Amendments subsequent to the first amendment or subsequent to the filing of an answer may be made only with leave of the presiding officer or with the written consent of the adverse party.

§ 900.53 *Withdrawal of petition.* If, at any time after the petition is filed, the petitioner desires to withdraw the same, he shall file with the hearing clerk (or, if filed during the course of a hearing, with the presiding officer) a written request for permission to withdraw. The Secretary may, in his discretion, thereupon dismiss the petition without further procedure: *Provided*, That, if the request to withdraw is filed after a hearing has been opened, permission to withdraw shall be granted only in exceptional circumstances.

§ 900.54 *Docket number.* Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 900.55 *Presiding officers—(a) Assignment.* No presiding officer who has any pecuniary interest in the outcome of the proceeding, or who has participated in any investigation preceding the institution of the proceeding, shall serve as presiding officer in such proceeding.

(b) *Conduct.* The presiding officer shall conduct the proceeding in a fair and impartial manner and shall not discuss ex parte the merits of the proceeding

with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer shall have power to:

(1) Rule upon motions and requests;
(2) Adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpoenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;

(5) Examine witnesses and receive evidence;

(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Consolidate hearings upon two or more petitions pertaining to the same order;

(10) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(d) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(e) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 900.56 *Consolidated hearings.* At the discretion of the presiding officer, hearings upon two or more petitions pertaining to the same order may be consolidated, and the evidence taken at such consolidated hearing may be embodied in a single record.

§ 900.57 *Intervention.* Intervention in proceedings subject to this subpart shall not be allowed, except that, in the discretion of the Secretary or the presiding officer, any person (other than the petitioner) showing a substantial interest in the outcome of a proceeding shall be permitted to participate in the oral argument and to file a brief.

§ 900.58 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the presiding officer, at any time

prior to the commencement of or during the course of the hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (c) the limitation of the number of expert or other witnesses; and (d) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the presiding officer shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the presiding officer may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The presiding officer shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the presiding officer shall submit a written summary for the record if any action is taken.

§ 900.59 *Motions and requests—(a) General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of an oral hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

The presiding officer is authorized to rule upon all motions and requests filed or made prior to the transmittal by the hearing clerk to the Secretary of the record as hereinafter provided. The Secretary shall rule upon all motions and requests filed after that time.

(b) *Certification of motions.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to the transmittal of the record to the Secretary, as hereinafter provided, shall be in the discretion of the presiding officer.

§ 900.60 *Oral hearings before presiding officer—(a) Time and place.* The presiding officer shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. If any change in the time or place of hearing becomes necessary, it shall be made by the presiding officer, who, in such event, shall file with the hearing clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

(b) *Appearances—(1) Representation.* In any proceeding under the act, the parties may appear in person or by counsel or other representative. The Department, if represented by counsel, shall be represented by an attorney assigned by the Solicitor of the Department, and such attorney shall present or supervise the presentation of the position of the Department.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding

officer finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or representative.

In case the presiding officer has issued an order precluding a person from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter, the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* If the petitioner, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Secretary, without further procedure, to dismiss the proceeding with or without prejudice, as the Secretary may determine. In the event that the petitioner appears at the hearing and no representative of the Department appears, the presiding officer shall proceed ex parte to hear the evidence of the petitioner: *Provided,* That failure on the part of such representative of the Department to appear at a hearing shall not be deemed to be a waiver of the Department's right to file suggested findings of fact, conclusions, and order; to be served with a copy of the presiding officer's report; and to file exceptions with and to submit argument before the Secretary with respect thereto.

(c) *Order of proceeding.* Except as may be determined otherwise by the presiding officer, the petitioner shall proceed first at the hearing.

(d) *Evidence—(1) In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination.

Any witness may, in the discretion of the presiding officer, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

The presiding officer shall exclude, insofar as practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination,

he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon, except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner hereinafter provided in and subject to the provisions of § 900.61.

(4) *Affidavits.* Except as is otherwise provided in this subpart, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(5) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(6) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Except where the presiding officer finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the presiding officer for the use of each other party to the proceeding. The presiding officer shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

If the testimony of a witness refers to a statute, or to a report, document, or transcript, the presiding officer, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document, or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(7) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the presiding

officer's report or the tentative order or otherwise, of matters so noticed, and (except where official notice is taken, for the first time in the proceeding, in the final order) shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

(e) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be allowed unless the presiding officer finds that the denial of such argument will not deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(f) *Transcript.* A copy of the transcript shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Such copy shall remain the property of the Department and may not be removed from said office.

If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 900.61 *Depositions*—(a) *Procedure in lieu of deposition.* Before any party may have testimony taken by deposition, said party shall, if practicable, submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. If, after examination of such affidavit, the other party agrees, or (within 10 days after submission of the affidavit) fails to object, that the affidavit may be used in lieu of the deposition, the presiding officer shall admit the affidavit in evidence and shall not order the deposition to be taken.

(b) *Application for taking deposition.* Upon the application of a party to the proceeding, the presiding officer may, at any time after the filing of the moving paper, order, under the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) the name and address of the proposed

deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(c) *Presiding officer's order for taking deposition.* If, after the examination of the application, the presiding officer is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) the time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(d) *Qualifications of officer.* The deposition shall be taken before the presiding officer, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

(e) *Procedure on examination.* The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written interrogatories to the officer prior to the examination and the officer shall propound such interrogatories to the deponent.

The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the presiding officer, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the

provisions of this section may be used in a proceeding under the act if the presiding officer finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a distance greater than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored to procure the attendance of the witness by subpoena but has been unable to do so; or (5) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If a deposition has been taken, and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition, or any part thereof, in evidence. (Applies sec. 9, 38 Stat. 722; 15 U. S. C. 49; made applicable by subsection (h) of sec. 10 of the act; 7 U. S. C. 610 (h).)

§ 900.62 *Subpenas*—(a) *Issuance of subpenas*. The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpoena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the presiding officer, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpoena duces tecum*. Subpenas for the production of documentary evidence, unless issued by the presiding officer upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas*. Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpoena addressed to the person to be served at his or its last known residence or principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or his deputy; or, if served by an individual other than a United States Marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpoena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpoena that it was mailed as provided herein and by the signed return post-office receipt: *Provided*, That, if the subpoena is issued on behalf of the Department, the return Receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpoena with the person subpoenaed; the original, bearing or accompanied by the

required proof of service, shall be returned to the official who issued the same. (Applies sec. 10 (h) of the act (7 U. S. C. 610 (h)).)

§ 900.63 *Fees and mileage*. Witnesses who are subpoenaed and who appear in such proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor, as to witnesses subpoenaed on behalf of the Department, shall be proved before the person issuing the subpoena, and, as to witnesses subpoenaed on behalf of any other party, shall be presented to such party. (Applies sec. 10 (h) of the act (7 U. S. C. 610 (h)).)

§ 900.64 *The presiding officer's report*—(a) *Filing the transcript of evidence*. As soon as practicable after the close of the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. The presiding officer shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true, correct, and complete transcript of the testimony given in the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits received in evidence at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each copy of the transcript of testimony. In accordance with such certificate the presiding officer shall note on the original transcript, and the hearing clerk shall note upon each copy of the transcript, each correction detailed in such certificate by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate places any words necessary to make the text conform to the correct meaning, as certified by the presiding officer.

Immediately following the filing of the transcript, the hearing clerk shall advise each party to the proceeding as to the date of such filing.

(b) *Proposed findings of fact, conclusions, and orders*. Within 10 days (unless the presiding officer shall have announced at the hearing a shorter or longer period of time) after the transcript has been filed with the hearing clerk, as provided in paragraph (a) of this section, each party may file with the hearing clerk proposed findings of fact, conclusions, and order, based solely upon the evidence of record, and briefs in support thereof.

(c) *Presiding officer's report*. The presiding officer, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare,

upon the basis of the record, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions*. Within a period of time (to be fixed by the presiding officer but not to exceed 20 days) after the filing of the presiding officer's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring, where practicable, to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the presiding officer, as set out in § 900.60, upon which the party wishes to rely, referring, where practicable, to the pertinent pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, it shall be considered that he does not desire to make such oral argument.

(e) *Revision of presiding officer's report*. If exceptions are filed to the presiding officer's report, as provided in paragraph (d) of this section, the presiding officer, after consideration of such exceptions, shall make and file with the hearing clerk a draft of the findings of fact, conclusions, and final order of the Secretary, which shall include such revision of his report as he deems to be appropriate in view of such exceptions.

§ 900.65 *Transmittal of record*. The hearing clerk, immediately following the filing of the revision of the presiding officer's report, or upon notification by the presiding officer that no revision will be made, shall transmit to the Secretary the record of the proceeding. Such record shall include: the petition; motions and requests filed with the hearing clerk, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the presiding officer's report; such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding; and the presiding officer's draft of the findings of fact, conclusions, and final order of the Secretary.

§ 900.66 *Argument before Secretary*—(a) *Oral argument*. Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, it shall be considered that he does not desire to make such oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary.

(b) *Briefs.* The parties may, in the discretion of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or in a written brief, shall be limited to the issues raised by the exceptions and statement of objections, or to such issues as the Secretary may indicate. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit the preparation of adequate argument on all the issues to be argued.

§ 900.67 *Consideration and issuance of order—(a) Consideration of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case argument was had, as soon as practicable thereafter, the Secretary, upon the basis of the record, shall begin his consideration of the final order to be issued in the proceeding. If an oral argument was held, the order shall be considered by and shall be issued over the signature of the official who heard such oral argument, unless the parties shall consent to a different arrangement. At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however,* That the Secretary may discuss the merits of the proceeding with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. If, notwithstanding the foregoing provisions of this section, a memorandum or other communication from any party, or from any person acting on behalf of any party, which relates to the merits of the proceeding, receives the personal attention of the Secretary (or, if an official other than the Secretary is to issue the order, then of such other official) during the pendency of the proceeding, such memorandum or communication shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity shall be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided, That,* if the terms of the order differ substantially from those proposed in the report of the presiding officer, the Secretary shall, if he deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if exceptions are filed within a period of time (to be fixed by the Secretary but not to exceed 20 days) following the service of the tentative order, the Sec-

retary shall give consideration to and shall make such changes in the tentative order as he deems to be appropriate; otherwise, the tentative order shall become final, as of the day following the date of expiration of the period fixed for the filing of exceptions.

§ 900.68 *Applications for reopening hearings; for rehearings or rearguments of proceedings; or for reconsideration of orders—(a) Petition requisite—(1) Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order shall be made by petition addressed to the Secretary and filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition shall state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen the hearing for the purpose of taking additional evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the final order shall be filed within 15 days after the date of the service of such order. Every such petition shall state specifically the matters claimed to have been erroneously decided, and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 10 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce the decision granting or denying the petition. Unless the Secretary shall determine otherwise, the issuance or operation of the order shall not be stayed pending the decision of the Secretary upon the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere in this subpart, shall be followed.

§ 900.69 *Filing; service; extensions of time; effective date of filing; and computation of time—(a) Filing; number of copies.* Except as provided otherwise herein, all documents or papers required or authorized in this subpart to be filed with the hearing clerk shall be filed in quadruplicate: *Provided, That,* if there are more than two parties to the proceeding, a sufficient number of additional copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized in this subpart to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Service; proof of service.* Copies of all such papers shall be served upon the parties by the hearing clerk, by the

presiding officer, or by some other employee of the Department or by a United States Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence. Proof of service hereunder shall be made by the affidavit of the person who actually made the service. The affidavit contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any documents or papers required or authorized in this subpart to be filed may be extended upon (1) a written stipulation between the parties, or (2) upon the request of a party, by the presiding officer before the transmittal of the record to the Secretary, or by the Secretary at any other time if, in the judgment of the Secretary or the presiding officer, as the case may be, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper, except a petition filed pursuant to § 900.52, required or authorized under these rules to be filed shall be deemed to have been filed when it is postmarked, or when it is received by the hearing clerk. Any petition filed under § 900.52 shall be deemed to be filed when it is received by the hearing clerk.

(e) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided, That,* when such time expires on a Sunday or legal holiday, such time shall be extended to include the next following business day.

§ 900.70 *Applications for interim relief—(a) Filing the application.* A person who has filed a petition pursuant to § 900.52 may by separate application filed with the hearing clerk apply to the Secretary for an order postponing the effective date of, or suspending the application of, the marketing order or any provision thereof, or any obligation imposed in connection therewith, pending final determination of the proceeding.

(b) *Contents of the application.* The application shall contain a statement of the facts upon which the relief is requested, including any facts showing irreparable injury. The application must be signed and sworn to by the petitioner and any facts alleged therein which are

not within his personal knowledge shall be supported by affidavits of a person or persons having personal knowledge of such facts or by proper documentary evidence thereof.

(c) *Answer to application.* Immediately upon receipt of the application, the hearing clerk shall transmit a copy thereof, together with all supporting papers, to the Assistant Administrator, who shall, within 20 days, or such other time fixed by the Secretary, after the filing of the application file an answer thereto with the hearing clerk.

(d) *Contents of answer.* The answer shall contain a statement of the objections, if any, of the Assistant Administrator to the application for interim relief, and may be supported by affidavits and documentary evidence.

(e) *Transmittal to Secretary.* Upon receiving the answer of the Assistant Administrator or upon the expiration of the time for filing the answer, the hearing clerk shall transmit to the Secretary for his decision all papers filed in connection with the application.

(f) *Hearing and oral argument.* The Secretary may, in his discretion, permit oral argument or the taking of testimony in connection with such application. However, unless written request therefor is filed with the hearing clerk prior to the transmittal of the papers to the Secretary, the parties shall be deemed to have waived oral argument and the taking of testimony.

(g) *Decision by Secretary.* The Secretary may grant or deny the application. Any action taken by the Secretary shall be in the form of an order filed with the hearing clerk and shall contain a brief statement of the reasons for the action taken. The hearing clerk shall cause copies of the order to be served upon the parties.

§ 900.71 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided*, That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

SUBPART—PROCEDURE GOVERNING MEETINGS TO ARBITRATE AND MEDIATE DISPUTES RELATING TO SALES OF MILK OR ITS PRODUCTS

AUTHORITY: §§ 900.100 to 900.118 issued under sec. 3, 50 Stat. 248; 7 U. S. C. 671. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 900.100 *Words in the singular form.* Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 900.101 *Definitions.* As used in this subpart, the terms as defined in the act shall apply with equal force and effect.

In addition, unless the context otherwise requires:

(a) The term "act" means section 3 of the Agricultural Marketing Agreement Act of 1937, as amended (50 Stat. 248, as amended; 7 U. S. C. 671);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead;

(d) The term "Solicitor" means the Solicitor of the Department;

(e) The term "Assistant Administrator" means any Assistant Administrator of the Production and Marketing Administration of the Department or any officer or employee of the Department to whom such Assistant Administrator has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

(f) The term "Administration" means the Production and Marketing Administration of the Department.

(g) The term "Division" means the Dairy Division of the Administration;

(h) The term "cooperative" means any association, incorporated or otherwise, which is in good faith owned or controlled by producers, or organizations thereof, of milk or its products, and which is bona fide engaged in the collective processing or preparing for market or handling or marketing, in the current of interstate or foreign commerce, of milk or its products;

(i) The term "arbitrator" means any officer or employee of the Administration designated by the Assistant Administrator, pursuant to the act, to arbitrate a bona fide dispute with reference to the terms and conditions of the sale of milk or its products between a producer cooperative and purchasers, handlers, processors, or distributors of milk or its products;

(j) The term "mediator" means any officer or employee of the Administration designated by the Assistant Administrator, pursuant to the act, to mediate a bona fide dispute with reference to terms and conditions of the sale of milk or its products between a producer cooperative and purchasers, handlers, processors, or distributors of milk or its products;

(k) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D. C.

§ 900.102 *Filing of applications for mediation or arbitration.* All applications for mediation or arbitration, all submissions, and all correspondence regarding mediation or arbitration shall be addressed to the Secretary, attention of the Division.

§ 900.103 *Application for mediation.* An application for mediation by a cooperative shall be in writing and shall include the following information:

(a) Names in full of the parties to the dispute and their addresses;

(b) Description of the cooperative organization and business, including

copies of the articles of incorporation or association, by-laws, and membership contract; information regarding the number of shares of outstanding stock and the approximate portion owned by active producers; a statement of the function performed in connection with the collective processing, preparing, handling, or marketing of milk or its products; and data relative to the distribution of membership by States, the distribution by States of plant facilities for collecting, processing, or disposing of milk or its products, and the business operations for the year last past, including the total quantity of milk and its products handled by the applicant and the proportion of that quantity that was sold in States other than the States of production;

(c) Suggested time and place for meeting between parties and mediator.

§ 900.104 *Inquiry by the Assistant Administrator.* Upon receipt of an application for mediation, the Assistant Administrator, through such officers or employees of the Administration as he may designate, may make any inquiry which is deemed to be necessary or proper in order to determine whether a bona fide dispute exists.

§ 900.105 *Notification.* The Assistant Administrator, acting on behalf of the Secretary will notify the applicant as to whether he considers that mediation will effectuate the purpose of the act and as to whether he will mediate.

§ 900.106 *Assignment of mediator.* The Chief of the Division shall assign a mediator, from the group designated by the Assistant Administrator, to act in such capacity.

§ 900.107 *Meetings.* All meetings held pursuant to §§ 900.103-900.109 shall be held with and under the direction of the mediator.

§ 900.108 *Mediator's report.* The mediator, upon the completion of mediation proceedings, shall submit to the Administrator a complete report on such proceedings.

§ 900.109 *Mediation agreement.* An agreement arrived at by mediation shall not become effective until approved by the Secretary, and the Secretary will not approve an agreement if there is evidence of fraud, if there is a lack of evidence to support the agreement, or if the agreement provides for any unfair trade practice.

§ 900.110 *Application for arbitration.* An application for arbitration by a cooperative shall be in writing and shall contain the following information:

(a) Names in full of the parties to the dispute and their addresses;

(b) The same information required under § 900.103 (b);

(c) Concise statement of dispute to be submitted;

(d) Originals or certified copies of all contracts, if any, involved in the dispute, and of correspondence which has passed between the parties and of any other documents or information relied upon;

(e) Dates before which it is desired that the hearing shall be had and the award shall become effective;

(f) Suggested time and place for arbitration hearing.

The applicant shall send a copy of the application to each other party to the dispute.

§ 900.111 Inquiry by the Assistant Administrator. Upon receipt of an application for arbitration, the Assistant Administrator, through such officers or employees of the Administration as he may designate, may make any inquiry deemed to be necessary or proper in order to determine whether a bona fide dispute exists, to assist the parties in reducing the dispute to well-defined issues, and to select an arbitrator who would be satisfactory to all parties.

§ 900.112 Notification. The Assistant Administrator, acting on behalf of the Secretary, within a reasonable time after the receipt of an application, will notify the applicant as to whether he will grant the application.

§ 900.113 Submission. Within a reasonable time after the receipt of the Assistant Administrator's consent to arbitrate, the parties to the dispute shall file with the Assistant Administrator a formal submission, which shall contain the following information:

- (a) Names in full of the parties;
- (b) Addresses of the parties to whom all notifications and communications concerning the arbitration shall be sent;
- (c) Description of the organization and businesses of all parties to the dispute, including sufficient information to show that the cooperative is a bona fide one, and that the parties are engaged in activities in the current of interstate or foreign commerce;
- (d) Concise statement of the specific questions submitted and a brief outline of the contentions of each party to the dispute, and a statement as to the period of time during which the award shall be in effect, said period to be not less than thirty days from the effective date of the award;
- (e) Name of arbitrator;
- (f) Time and place of arbitration, including street address;
- (g) Stipulation by the parties that they will produce any books, records, and correspondence required by the arbitrator as being necessary to a fair determination of the dispute;
- (h) Agreement by the parties that they will consider the award as final and will comply therewith;
- (i) Stipulation by the parties that arbitration is to take place under rules and regulations issued by the Secretary, and that any such rules and regulations pertaining to mediation and arbitration shall be considered a part of the submission;
- (j) Stipulation that a stenographic report of the proceedings must be made.

The submission shall be signed by each party before a notary public, and when the signature is that of an agent of a corporation or cooperative association, the same shall be accompanied by evidence of the authority to sign.

A submission may be withdrawn at any time before the award, and any question held by the arbitrator to be a separable question may be withdrawn before award by agreement of all parties. When any question is so withdrawn, the parties shall file with the arbitrator the agreement on that question reached by the parties, showing all the details thereof, and the arbitrator shall include it in the record of the arbitration.

§ 900.114 Designation of arbitrator. The Assistant Administrator, after receiving the submission, will designate one or more persons to act as arbitrator.

§ 900.115 Hearing. The arbitrator shall have full discretion to conduct the hearing in such manner as will, in his opinion, enable him to ascertain all the facts in the case.

Parties to the dispute may appear in person or by duly accredited agents and may be represented by counsel.

All relevant and material evidence may be presented. The arbitrator shall not be bound by the legal rules of evidence.

The arbitrator, in the presence of the parties, may require the production of books and records for examination by himself, but not for examination of confidential information by other parties to the dispute unless the party producing the same consents to its examination by the other parties to the dispute.

No evidence offered by one party shall be received except in the presence of all parties unless the parties so agree in a submission specifying the nature of the evidence to be received.

Final determination as to what will be considered confidential information shall be made by the arbitrator.

The arbitrator may request the opinions of economists, marketing specialists, statisticians, lawyers, accountants, and other experts.

When more than two arbitrators are designated to hear a dispute, and they disagree, the award of the majority shall be the final award. If the arbitrators are evenly divided, there shall be no award.

A stenographic record of all the proceedings during an arbitration must be made.

§ 900.116 Award. An award shall be made within ten days after the close of the hearing.

The award shall be in writing and shall cover only points of dispute raised in the submission.

The arbitrator, in making the award, may use his own technical knowledge in addition to the evidence submitted by the parties.

The award shall state the period during which it shall be in effect, said period to be not less than thirty days from the effective date thereof; and said period may be extended by agreement among the parties upon notification thereof to the Assistant Administrator, unless or until the Assistant Administrator withdraws his approval.

The arbitrator shall sign the award in the presence of a notary public, or, when more than one arbitrator is designated, the arbitrator shall sign in the presence of each other.

Copies of the award shall be delivered to the parties by the Division.

§ 900.117 Approval of award. The award shall not become effective until approved by the Secretary, and the Secretary will not approve an award if there is evidence of fraud, or evidence of misconduct upon the part of the arbitrator, or lack of evidence to support the award, or if the award provides for any unfair trade practice.

§ 900.118 Costs. The parties jointly shall pay for the stenographic record. A copy of the record shall be furnished by the parties to the arbitrator and shall be forwarded by him to the Assistant Administrator, ultimately to be filed in the office of the hearing clerk.

The arbitrator shall not receive compensation from parties to the dispute.

SUBPART—MISCELLANEOUS REGULATIONS

AUTHORITY: §§ 900.200 to 900.211 issued under sec. 10 (c), 48 Stat. 37, 50 Stat. 246, 248; 7 U. S. C. (c). Statutes interpreted or applied or statutes or sections of the act giving special authority are listed in parentheses at the end of specific sections.

§ 900.200 Definitions. As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 10 73d Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement act of 1937 (50 Stat. 246, 7 U. S. C. 601), as amended;

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead;

(d) The term "Solicitor" means the Solicitor of the Department;

(e) The term "Assistant Administrator" means any Assistant Administrator of the Production and Marketing Administration of the Department or any officer or employee of the Department to whom such Assistant Administrator has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead;

(f) The term "Administration" means the Production and Marketing Administration of the Department;

(g) The term "Federal Register" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(h) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to section 8b of the act;

(i) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act;

(j) The term "person" means any individual, corporation, partnership, association, or any other business unit;

(k) The term "official" means the Secretary, any officer, employee, or other person employed or appointed by the Department, and any agency or agent appointed by the Secretary to administer a marketing agreement or a marketing order, and any agent or employee of any such agency or agent;

(l) The term "information" means and includes reports, books, accounts, records, and the facts and information contained therein and required to be furnished to or acquired by any official pursuant to the provisions of any marketing agreement or marketing order.

§ 900.201 *Investigation and disposition of alleged violations.* Whenever the Assistant Administrator has reason to believe that any handler has violated, or is violating, the provisions of any marketing order, he may institute such investigation and, after due notice to such handler, conduct such hearing in order to determine the facts as, in his opinion, are warranted. If, in the opinion of the Assistant Administrator and the Solicitor, the facts developed as a result of such investigation or hearing warrant such action, the Solicitor shall refer the matter to the Attorney General for appropriate action. (Sec. 4, 48 Stat. 672, sec. 10, 49 Stat. 762, 50 Stat. 246, 247; 7 U. S. C. 608a (7))

§ 900.210 *Disclosures of information.* Unless otherwise expressly provided in any marketing agreement or any marketing order, all information in the possession of any official which relates to the business or property of any person, and which was furnished by, or obtained from, such person pursuant to the provisions of any marketing agreement or marketing order, shall be kept confidential and shall not be disclosed, divulged, or made public, except that:

(a) Such information may be disclosed, divulged, or made public if it has been obtained from or furnished by a person who is not the person to whose business or property such information relates or an employee of such latter person, or if such information is otherwise required by law to be furnished to an official;

(b) Such information may be furnished to other officials for use in the regular course of their official duties;

(c) Such information may be combined and published in the form of general statistical studies or data in which the identity of the person furnishing such information or from whom it was obtained shall not be disclosed;

(d) Such information may be disclosed upon lawful demand made by the President or by either House of Congress or any committee thereof, or, unless the Secretary determines that the disclosure of such information would be against the public interest, in response to a subpoena by any court of competent jurisdiction;

(e) Such information may be offered in evidence (whether or not it has been obtained from or furnished by the person against whom it is offered) by or on behalf of the Secretary, the United States, or the official who obtained it or to whom it was furnished, in any administrative hearing held pursuant to section 8c (15) (A) of the act or in any action, suit, or

proceeding, civil or criminal, in which the Secretary or the United States or any such official is a party, and (1) which is instituted (i) for the purpose of enforcing or restraining the violation of any marketing agreement or marketing order, or (ii) for the purpose of collecting any penalty or forfeiture provided for in the act, or (iii) for the purpose of collecting any monies due under a marketing agreement or marketing order, or (2) in which the validity of any marketing agreement or marketing order, or any provision of either, is challenged or involved. (Applies sec. 8d (2) of the act; 7 U. S. C. 608d (2).)

(f) Such information may be furnished to the duly constituted authorities of any State, pursuant to a written agreement made under authority of section 10 (i) of the act, to the extent that such information is relevant to transactions within the regulatory jurisdiction of such authorities.

§ 900.211 *Penalties.* Any official who shall have violated the provisions of § 900.210 by wilfully divulging, disclosing, or making public any information acquired by or furnished to or in the possession or custody of such official pursuant to the provisions of a marketing agreement or marketing order shall be subject to a penalty of \$100 for each offense. (The civil penalty provided in this section is prescribed under the authority contained in sec. 10 (c) of the act (7 U. S. C. 610 (c)); this provision is not intended to supersede the provision in sec. 8d (2) of the act (7 U. S. C. 608d (2)) for criminal liability and removal from office.

[F. R. Doc. 48-11376; Filed, Dec. 28, 1948; 9:10 a. m.]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES; FIXING OF RATE OF ASSESSMENT FOR 1948-1949 FISCAL YEAR

On November 16, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 6707) regarding the budget of expenses and the fixing of the rate of assessment for the 1948-1949 fiscal year under Order No. 66 (7 CFR, Cum. Supp. 966.1 et seq.), regulating the handling of oranges grown in the State of California or in the State of Arizona. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Orange Administrative Committee (established pursuant to said order), it is hereby found and determined that:

§ 966.203 *Budget of expenses and rate of assessment for the 1948-1949 fiscal year.* (a) The expenses necessary to be incurred by the Orange Administrative Committee, established pursuant to the provisions of the aforesaid order, for the maintenance and functioning, during the fiscal year beginning on November 1, 1948, and ending on October 31, 1949,

both dates inclusive, of such committee will amount to \$199,857.97, and the rate of assessment to be paid, in accordance with the aforesaid order, by each handler who first handles oranges shall be seven mills (\$0.007) per packed box of oranges, or an equivalent quantity of oranges, handled by him as the first handler thereof during said fiscal year; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(b) The provisions hereof shall become effective at 12:01 a. m., P. s. t., February 1, 1949.

(c) As used in this section, the terms "box," "handles," "handled," "handler," "fiscal year," and "oranges" shall have the same meaning as is given to each such term in said order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 966.1 et seq.)

Done at Washington, D. C., this 23d day of December 1948.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-11327; Filed, Dec. 28, 1948; 9:00 a. m.]

PART 973—MILK IN THE MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING AND TERMINATING MARKETING AGREEMENT

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), a marketing agreement was entered into on October 30, 1945, effective November 3, 1945, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. On May 10, 11, and 12, 1948, a public hearing was held on proposed amendments to this marketing agreement. Based upon the evidence adduced at this hearing, a proposed marketing agreement, containing amended provisions found necessary to effectuate the declared policy of the act, was issued and offered to handlers of milk which is marketed in the marketing area for signature, and handlers of more than 50 percent of such milk failed or refused to sign such proposed marketing agreement. An order was issued, effective on and after February 1, 1949, amending the order regulating the handling of milk in the marketing area, and the handling of milk in the marketing area will be in conformity to and in compliance with the order, as amended, on and after the effective date of the amendment. The provisions of the order, as amended, are at variance with the provisions of the marketing agreement issued on October 30, 1945.

Wherefore, it is hereby found and determined that the provisions of the marketing agreement entered into October 30, 1945, effective November 3, 1945, will, on and after February 1, 1949, no longer tend to effectuate the declared policy of the act.

It is ordered, therefore, That the provisions of the marketing agreement, effective November 3, 1945, be and they hereby are terminated effective at 12:01 a. m., c. s. t., February 1, 1949.

The order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area is hereby amended to read as follows:

- Sec.
 973.0 Findings and determinations.
 973.1 Definitions.
 973.2 Market administrator.
 973.3 Reports, records and facilities.
 973.4 Classification.
 973.5 Minimum prices.
 973.6 Application of provisions.
 973.7 Determination of uniform price to producers.
 973.8 Payments for milk.
 973.9 Expense of administration.
 973.10 Marketing services.
 973.11 Agents.
 973.12 Effective time, suspension and termination.

AUTHORITY: §§ 973.0 to 973.12 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; sec. 102 Reorg. Plan 1 of 1947, 12 F. R. 4534.

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at St. Paul, Minnesota, on May 10, 1948, and at Minneapolis, Minnesota, on May 11 and 12, 1948, upon a proposed amendment to the marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order, as hereby amended, will tend to effectuate the declared policy of the act.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk

in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found that a pro rata assessment on handlers at the rate of 2 cents per hundred-weight or such lesser amount as the Secretary from time to time may prescribe with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, upon which payment is required pursuant to § 973.9 of this order, will provide the funds necessary for the maintenance and functioning of the market administrator in the administration of this order, and such assessment is approved.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, amending the order, which is marketed within the Minneapolis-St. Paul, Minnesota, marketing area) of at least 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Minneapolis-St. Paul, Minnesota, marketing area;

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers, who during the determined representative period (May 1948) were engaged in the production of milk for sale in the Minneapolis-St. Paul, Minnesota, marketing area; and

(4) The provision of this order amending the order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who, during the determined representative period (May, 1948) were engaged in the production of milk for sale in the Minneapolis-St. Paul, Minnesota, marketing area.

§ 973.1 *Definitions.* The following terms shall have the following meaning:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of

Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(d) "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

(e) "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (1) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (2) is transferred as Class I milk from such plant to a plant described in subparagraph (1) of this paragraph unless such transfer is made only during the months of August to November, inclusive, or (3) is transferred as Class I milk from such plant to a plant described in subparagraph (2) of this paragraph unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another pool plant until August 1 of the year following that in which such transfer was last made.

(f) "Non pool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in paragraph (e) of this section. Any such plant shall become a "pool plant" during any delivery period within which it meets the requirements set forth in paragraph (e) of this section.

(g) "Person" means any individual, partnership, corporation, association or any other business unit.

(h) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

(i) "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

(k) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(l) "Market administrator" means the person designated pursuant to § 973.2 as the agency for the administration hereof.

(m) "Delivery period" means a calendar month or the portion thereof during which this order is in effect.

§ 973.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof;

(3) Recommend to the Secretary amendments hereto;

(4) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including but not limited to, the following:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary, a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 973.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.10;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (i) made reports pursuant to § 973.3 or (ii) made payments pursuant to § 973.8; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(5) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends; and

(6) Prepare and disseminate to the public such statistics and information

concerning the operations hereunder as he deems advisable and as do not reveal confidential information.

§ 973.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(1) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and nonpool plants and the sources thereof;

(2) The utilization of all skim milk or butterfat disposed of;

(3) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(c) *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period submit to the market administrator such handler's producer pay roll for the preceding delivery period which shall show for each producer (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

(d) *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (1) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (2) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (3) payments to producers and cooperative associations, and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim

milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, aerated cream, ready whipped cream, and mixes for toppings and uses similar to those of whipped cream, all skim milk and butterfat not specifically accounted for pursuant to subparagraph (2) of this paragraph and all shrinkage allocated to Class I milk pursuant to paragraph (c) (3) and (4) of this section.

(2) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat: (i) Used to produce a milk product other than those specified in subparagraph (1) of this paragraph, (ii) in shrinkage of receipts from nonpool plants, and (iii) in shrinkage of receipts directly from producers' farms which has been allocated to Class II pursuant to paragraph (c) (3) of this section.

(c) *Shrinkage.* The market administrator shall allocate shrinkage over each handler's receipts as follows:

(1) Compute separately the total shrinkage of skim milk and butterfat.

(2) Prorate the resulting amounts respectively, between the receipts of skim milk and butterfat directly from producers' farms and from nonpool plants.

(3) Prorate the shrinkage of skim milk and butterfat, respectively, allocated to skim milk and butterfat received directly from producers' farms, up to 1 percent of such receipts, over the handler's Class I and Class II utilization of skim milk and butterfat received directly from producers' farms.

(4) Add to the handler's Class I utilization of skim milk and butterfat, respectively, any shrinkage allocated to skim milk and butterfat received directly from producers' farms in excess of 1 percent of such receipts.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(2) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(1) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-

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handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(2) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(3) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (i) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (ii) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (iii) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(4) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a non pool plant located more than 100 miles from the marketing area.

(f) *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

(g) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage allocated to Class II pursuant to paragraph (c) (3) of this section.

(ii) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk received from non pool plants: *Provided*, That if the receipts from non pool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the differ-

ence shall be subtracted from the pounds of skim milk in Class I.

(iii) Subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to paragraph (e) (1) of this section.

(iv) Add to the remaining pounds of skim milk in Class II the amount subtracted pursuant to subdivision (i) of this subparagraph.

(v) If the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II: *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

(3) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to subparagraphs (1) and (2) of this paragraph.

§ 973.5 *Minimum prices.*—(a) *Class prices.* Each handler shall, subject to the provisions of paragraphs (c) and (d) of this section, pay at the time and in the manner set forth in § 973.8 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(1) *For Class I milk.* The price shall be the basic price determined pursuant to paragraph (b) of this section plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; and plus \$1.00 during the delivery periods of August to November, inclusive.

(2) *For Class II milk.* The price shall be that determined by the market administrator as follows: (i) Multiply by 3.5 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received and add 20 percent thereof; (ii) multiply by 7.7 the average price of spray and roller process non fat dry milk solids for human consumption, in cartons f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period during which the milk was received; (iii) add into one sum the amounts obtained in subdivisions (i) and (ii) of this subparagraph; and (iv) subtract 42 cents therefrom.

(b) *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to paragraph (a) (2) of this section or that derived from either of the formulas set forth in subparagraphs (1) and (2) of this paragraph, whichever is the highest.

(1) The average of the basic or field prices ascertained to have been paid for

milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) (i) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6); (ii) add 2.4 times the weekly prevailing price of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange, the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this subparagraph; (iii) divide the resulting sum by seven (7); (iv) add 30 percent thereof; and (v) multiply the resulting sum by 3.5.

(c) *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to paragraph (a) (1) of this section shall be reduced one cent for each full mile that such plant is more than 15 miles distant from such Viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purposes of this paragraph the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

(d) *Butterfat differentials to handlers.*

(1) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to paragraph (a) (1) of this section for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat con-

tent of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(2) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to paragraph (a) (2) of this section for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 20 percent and divide the sum obtained by 10.

(e) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 973.6 *Application of provisions*—(a) *Application to producer-handlers.* Sections 973.4, 973.5, 973.7, 973.8, 973.9 and 973.10 shall not apply to the handling of milk by producer-handlers.

(b) *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.1 (j), as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat other than in packaged form to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

(d) *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.7, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

§ 973.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided*, That if any skim milk has been subtracted pursuant to § 973.4 (g) (1) (v), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

(b) *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(1) To the value computed pursuant to paragraph (a) of this section add an amount equal to the total value of the location differentials computed pursuant to § 973.8 (c).

(2) From the sum obtained in subparagraph (1) of this paragraph subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.8 (b) and multiply the result by the total hundredweight of milk received directly from producers' farms.

(3) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(4) Divide the result by the total hundredweight of milk received directly from producers' farms.

(5) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent

butterfat content delivered to the marketing area.

(c) *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.5 (a) and the butterfat differentials computed pursuant to § 973.5 (d) and § 973.8 (b).

(d) *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to paragraph (b) of this section.

§ 973.8 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment as follows:

(1) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.7 (b), subject to the differentials set forth in paragraphs (b) and (c) of this section.

(2) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) of this paragraph, and less the amount of the payment made pursuant to subparagraph (4) of this paragraph.

(3) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.5 (a), subject to the differentials set forth in § 973.5 (c) and (d), and less the amount of the payment made pursuant to subparagraph (4) of this paragraph.

(4) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

(b) *Butterfat differential to producers.* If during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in paragraph (a) (1) and (2) of this section shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is

above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

(c) *Location differential to producers.* In making payment pursuant to paragraph (a) (1) and (2) of this section for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such Viaduct.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (1) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (2) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.7 (a).

(e) *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (d) of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.10, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 973.9 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the

18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.10 *Marketing services.*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 973.8 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.11 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 973.12 *Effective time, suspension, and termination.*—(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with

the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Issued at Washington, D. C., this 23d day of December 1948 to be effective on and after the 1st day of February 1949.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-11331; Filed, Dec. 28, 1948;
8:59 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 27—IMPORTED PRODUCTS

COUNTRIES FROM WHICH MEAT, MEAT BY-PRODUCTS, AND MEAT FOOD PRODUCTS ARE ELIGIBLE FOR IMPORTATION INTO UNITED STATES

Pursuant to the authority vested in the Secretary of Agriculture by section 306 of the Tariff Act of June 17, 1930 (19 U. S. C. 1306) and after public notice (13 F. R. 6922) and due consideration of all relevant material presented pursuant thereto, § 27.2 (b) of the regulations in 9 CFR, Chapter I, Subchapter A, as amended, issued under said section, is hereby amended to read as follows, for the purpose of adding Poland to the list of countries specified therein from which meat, meat byproducts, and meat food products may be imported into the United States as provided in said regulations:

§ 27.2 *Eligibility of foreign countries for importation of product into the United States.* * * *

(b) It has been determined by the Secretary of Agriculture that product from the following foreign countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled, or frozen or other prohibited or restricted product from countries in which the contagious and communicable disease of

rinderpest or of foot-and-mouth disease exists as listed in 9 CFR, Part 94, as amended, is eligible for importation into the United States after inspection and marking as required by this subchapter:

Argentina.	Luxembourg.
Australia.	Madagascar.
Belgium.	Netherlands.
Brazil.	New Zealand.
Canada.	Northern Ireland.
Cuba.	Norway.
Czechoslovakia.	Paraguay.
Denmark.	Poland.
Dominican Republic.	Scotland.
England and Wales.	Spain.
Finland.	Sweden.
France.	Switzerland.
Iceland.	Uruguay.
Ireland (Eire).	Venezuela.
Italy.	

Effective date: The foregoing amendment shall be effective on December 28, 1948.

Since the amendment relieves restrictions it may properly be made effective under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of December 1948. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-11332; Filed, Dec. 28, 1948;
8:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 13]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment and establishment of civil airways between such points; (2) the realignment and establishment of the civil airways referred to in (1) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways: Red Civil Airways Nos. 1, 4, 26, 34, 59, 70, 78, 79, 80 and 81; Blue Civil Airways Nos. 15, 21, 33, 44, 46, 51, 60, 61 and 62

1. Section 600.4 (c) (1) is amended to read:

(1) *Red civil airway No. 1 (Portland, Oreg., to Kansas City, Mo.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the northwest course of The Dalles, Oreg., radio range The Dalles, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the southeast course of the Boise, Idaho, radio range and the northwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; Malad City, Idaho, radio range station to the Rock Spring, Wyo., radio range station. From the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range via the Laramie, Wyo., radio range station to the intersection of the southeast course of the Laramie, Wyo., radio range and the north course of the Denver, Colo., radio range. From the Denver, Colo., VHF radio range via the intersection of the east course of the Denver, Colo., VHF radio range and the northwest course of the Thurman, Colo., VHF radio range; Thurman, Colo., VHF radio range station; Goodland, Kans., VHF radio range station; Hill City, Kans., VHF radio range station; the intersection of the east course of the Hill City, Kans., VHF radio range and the northwest course of the Waldo, Kans., VHF radio range; Waldo, Kans., VHF radio range station; Salina, Kans., VHF radio range station; Topeka, Kans., VHF radio range station to the intersection of the east course of the Topeka, Kans., VHF radio range and the northwest course of the Kansas City, Mo., radio range. From the intersection of the northwest course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range to the intersection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range.

2. Section 600.4 (c) (4) is amended to read:

(4) *Red civil airway No. 4 (Otto, N. Mex., to Las Vegas, N. Mex.).* From the Otto, N. Mex., radio range station via the Santa Fe, N. Mex., Municipal Airport and the Las Vegas, N. Mex., radio range station to the intersection of the southeast course of the Las Vegas, N. Mex., radio range and the west course of the Tucumcari, N. Mex., radio range.

3. Section 600.4 (c) (26) is amended to read:

(26) *Red civil airway No. 26 (Syracuse, N. Y., to Millville, N. J.).* From the Syracuse, N. Y., radio range station via the Wilkes-Barre, Pa., radio range station to the intersection of the southeast course of the Wilkes-Barre, Pa., radio range and the west course of the Allen-

town, Pa., radio range. From the intersection of the southeast course of the North Philadelphia, Pa., radio range and the northeast course of the Philadelphia, Pa., radio range to the intersection of the southeast course of the North Philadelphia, Pa., radio range and the northeast course of the Millville, N. J., radio range.

4. Section 600.4 (c) (34) is amended to read:

(34) *Red civil airway No. 34 (Pulaski, Va., to Elizabeth City, N. C.).* From the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; the intersection of the southeast course of the Raleigh, N. C., radio range and the southwest course of the Rocky Mount, N. C., VHF radio range; Rocky Mount, N. C., VHF radio range station; the intersection of the northeast course of the Rocky Mount, N. C., VHF radio range and the west course of the Elizabeth City, N. C., VHF radio range; Elizabeth City, N. C., VHF radio range station to the Weeksville, N. C. (Coast Guard), radio range station excluding that portion overlapping danger areas.

5. Section 600.4 (c) (59) is amended to read:

(59) *Red civil airway No. 59 (Fort Wayne, Ind., to the United States-Canadian Border).* From the Fort Wayne, Ind., radio range station via the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range; the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ontario, radio range to the intersection of the southwest course of the Windsor, Ontario, radio range and the United States-Canadian Border.

6. Section 600.4 (c) (70) is amended to read:

(70) *Red civil airway No. 70 (Midland, Tex., to Oklahoma, Okla.).* From the Midland, Tex., radio range station via the intersection of the south course of the Lubbock, Tex., radio range and the northwest course of the Big Spring, Tex., radio range; Lubbock, Tex., radio range station; Childress, Tex., VHF radio range station; Hobart, Okla., VHF radio range station to the Oklahoma City, Okla., radio range station.

7. Section 600.4 (c) (78) is added to read:

(78) *Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).* From the intersection of the south course of the Medford, Oreg., radio range and the west course of the Klamath Falls, Oreg., radio range to the Klamath Falls, Oreg., radio range station.

8. Section 600.4 (c) (79) is added to read:

(79) *Red civil airway No. 79 (Port Angeles, Wash., to Everett, Wash.).*

From the intersection of the west course of the Everett, Wash., radio range and the northwest course of the Seattle, Wash., radio range to the Everett, Wash., radio range station.

9. Section 600.4 (c) (80) is added to read:

(80) *Red civil airway No. 80 (Lewistown, Mont., to Miles City, Mont.)*. From the intersection of the southeast course of the Lewistown, Mont., radio range and the north course of the Billings, Mont., radio range to the Miles City, Mont., radio range station.

10. Section 600.4 (c) (81) is added to read:

(81) *Red civil airway No. 81 (Parkersburg, W. Va., to Elkins, W. Va.)*. From the Parkersburg, W. Va., VHF radio range station to the intersection of the southeast course of the Parkersburg, W. Va., VHF radio range and the west course of the Elkins, W. Va., radio range.

11. Section 600.4 (d) (15) is amended to read:

(15) *Blue civil airway No. 15 (Huntington, W. Va., to Erie, Pa.)*. From the intersection of the northwest course of the Huntington, W. Va., radio range and the south course of the Columbus, Ohio, radio range to the Columbus, Ohio, radio range station. From the intersection of the east course of the Columbus, Ohio, radio range and the southwest course of the Akron, Ohio, radio range via the Akron, Ohio, radio range station to the intersection of the northeast course of the Akron, Ohio, radio range and the southwest course of the Erie, Pa., radio range.

12. Section 600.4 (d) (21) is amended to read:

(21) *Blue civil airway No. 21 (Charleston, W. Va., to Erie, Pa.)*. From the Charleston, W. Va., VHF radio range station via the Parkersburg, W. Va., VHF radio range station; the intersection of the northeast course of the Parkersburg, W. Va., VHF radio range and the southwest course of the Wheeling, W. Va., VHF radio range to the Wheeling, W. Va., VHF radio range station. From the intersection of the northwest course of the Pittsburgh, Pa., radio range and the south course of the Youngstown, Ohio, radio range via the Youngstown, Ohio, radio range station to the intersection of the north course of the Youngstown, Ohio, radio range and the southwest course of the Erie, Pa., radio range.

13. Section 600.4 (d) (33) is amended to read:

(33) *Blue civil airway No. 33 (Archbold, Ohio to Detroit, Mich.)*. From the Archbold, Ohio, non-directional radio marker beacon to a point at the intersection of a straight line between the Archbold, Ohio, non-directional radio marker beacon and the Jackson, Mich., non-directional radio marker beacon with the west course of the Detroit, Mich., radio range.

14. Section 600.4 (d) (44) is amended to read:

(44) *Blue civil airway No. 44 (Advance, Mo., to Fort Wayne, Ind.)*. From the Advance, Mo., radio range station via the Paducah, Ky., Paducah-McCracken County Airport, to the Evansville, Ind., radio range station. From the intersection of the east course of the Evansville, Ind., radio range and the southwest course of the Scotland, Ind., VHF radio range via Scotland, Ind., VHF radio range station to the intersection of the northeast course of the Scotland, Ind., VHF radio range and the west course of the Indianapolis, Ind., radio range. From the Indianapolis, Ind., radio range station to the Fort Wayne, Ind., radio range station.

15. Section 600.4 (d) (46) is amended to read:

(46) *Blue civil airway No. 46 (Los Angeles, Calif., to Oakland, Calif.)*. From the Lebec, Calif., fan marker to the Morgan Hill, Calif., fan marker.

16. Section 600.4 (d) (51) is amended to read:

(51) *Blue civil airway No. 51 (Wendover, Utah, to DuBois, Idaho)*. From the intersection of the east course of the Wendover, Utah, radio range and the south course of the Lucin, Utah, radio range via the Lucin, Utah, radio range station; the intersection of the north course of the Lucin, Utah, radio range and the southwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; the intersection of the northeast course of the Burley, Idaho, radio range and the southwest course of the Pocatello, Idaho, radio range; Pocatello, Idaho, radio range station to the DuBois, Idaho, radio range station.

17. Section 600.4 (d) (60) is added to read:

(60) *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.)*. From the Moffett Field, Calif. (Navy), radio range to the intersection of the northeast course of the Moffett Field, Calif. (Navy) radio range and the west course of the Stockton, Calif., radio range.

18. Section 600.4 (d) (61) is added to read:

(61) *Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.)*. From the Springfield, Mo., radio range station via the intersection of the northwest course of the Springfield, Mo., radio range and the southeast course of the Kansas City, Mo., radio range to the intersection of the southeast course of the Kansas City, Mo., radio range and the north course of the Joplin, Mo., radio range.

19. Section 600.4 (d) (62) is added to read:

(62) *Blue civil airway No. 62 (Ypsilanti, Mich., to Flint, Mich.)*. From the intersection of the west course of the Detroit, Mich., radio range and the south course of the Salem, Mich., VHF radio range via the Salem, Mich., VHF radio range station to the Flint, Mich., non-directional radio marker beacon.

This amendment shall become effective 0001 E. S. T., January 1, 1949.

(Ses. 205, 301, 302, 307 and 308; 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong., ch. 792—2d Sess.; 49 U. S. C., 425, 451, 452, 457, 458)

F. B. LEE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 48-11309; Filed, Dec. 28, 1948; 9:03 a. m.]

[Amdt. 17]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate redesignation and establishment of control areas, including control zones and reporting points between such locations; (2) the redesignation and establishment of the control areas and control zones referred to in (1) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation and Redesignation of Control areas: Red Civil Airways Nos. 26, 59, 70, 78, 79, 80, 81; Blue Civil Airways Nos. 15, 21, 33, 44, 51, 60, 61 and 62. Designation and Redesignation of Control Zones. Designation and Redesignation of Reporting Points: Red Civil Airways Nos. 26, 59, 70, 78, 79, 80, 81; Blue Civil Airways Nos. 15, 21, 33, 44, 15, 60, 61 and 62. Amber Civil Airway No. 8

1. Section 601.4 (c) (26) is amended by changing caption to read:

(26) *Red civil airway No. 26 control areas (Syracuse, N. Y., to Millville, N. J.)*.

2. Section 601.4 (c) (59) is amended by changing caption to read:

(59) *Red civil airway No. 59 control areas (Fort Wayne, Ind., to United States-Canadian Border)*.

3. Section 601.4 (c) (70) is amended by changing caption to read:

(70) *Red civil airway No. 70 control areas (Midland, Tex., to Oklahoma City, Okla.)*.

4. Section 601.4 (c) (78) is added to read:

(78) *Red civil airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.)*. All of Red civil airway No. 78.

5. Section 601.4 (c) (79) is added to read:

(79) *Red civil airway No. 79 control areas (Port Angeles, Wash., to Everett, Wash.).* All of Red civil airway No. 79.

6. Section 601.4 (c) (80) is added to read:

(80) *Red civil airway No. 80 control areas (Lewistown, Mont., to Miles City, Mont.).* All of Red civil airway No. 80.

7. Section 601.4 (c) (81) is added to read:

(81) *Red civil airway No. 81 control areas (Parkersburg, W. Va., to Elkins, W. Va.).* All of Red civil airway No. 81.

8. Section 601.4 (d) (15) is amended by changing caption to read:

(15) *Blue civil airway No. 15 control areas (Huntington, W. Va., to Erie, Pa.).*

9. Section 601.4 (d) (21) is amended by changing caption to read:

(21) *Blue civil airway No. 21 control areas (Charleston, W. Va., to Erie, Pa.).*

10. Section 601.4 (d) (33) is amended by changing caption to read:

(33) *Blue civil airway No. 33 control areas (Archbold, Ohio, to Detroit, Mich.).*

11. Section 601.4 (d) (44) is amended to read:

(44) *Blue civil airway No. 44 control areas (Advance, Mo., to Fort Wayne, Ind.).* All of Blue civil airway No. 44 from the Advance, Mo., radio range station to a line extended at right angles across such airway through a point 25 miles east of the Advance, Mo., radio range station; from a line extended at right angles across such airway through a point 50 miles southwest of the Evansville, Ind., radio range station to the Fort Wayne, Ind., radio range station.

12. Section 601.4 (d) (51) is amended by changing caption to read:

(51) *Blue civil airway No. 51 control areas (Wendover, Utah, to DuBois, Idaho).*

13. Section 601.4 (d) (60) is added to read:

(60) *Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.).* All of Blue civil airway No. 60.

14. Section 601.4 (d) (61) is added to read:

(61) *Blue civil airway No. 61 control areas (Springfield, Mo., to Kansas City, Mo.).* All of Blue civil airway No. 61.

15. Section 601.4 (d) (62) is added to read:

(62) *Blue civil airway No. 62 control areas (Ypsilanti, Mich. to Flint, Mich.).* All of Blue civil airway No. 62.

16. Section 601.4 (e) (17) *Control area extension (Macon, Ga.)* is revoked.

17. Section 601.4 (e) (17) is added to read:

(17) *Control area extension (Reading, Pa.).* From the Reading, Pa., ILS localizer extending 5 miles either side of the localizer course to its intersection with

the east course of the Harrisburg, Pa., radio range.

18. Section 601.4 (c) (34) is amended to read:

(34) *Control area extension (Springfield, Mo.).* From the Springfield, Mo., radio range station extending 5 miles either side of the southeast course of the Springfield, Mo., radio range to a point 25 miles from the radio range station.

19. Section 601.4 (e) (39) is amended to read:

(39) *Control area extension (Portland, Oreg.).* From the Portland, Oreg., radio range station extending 5 miles either side of the west course of the radio range to a point 30 miles west of the radio range station, and extending 5 miles either side of the ILS localizer course to a point 20 miles northwest of the ILS localizer.

20. Section 601.4 (e) (107) is amended to read:

(107) *Control area extension (Topeka, Kans.).* From the Topeka, Kans., VHF radio range station extending 5 miles either side of the north course of the Topeka, Kans., VHF radio range to a point 20 miles north of the range station, and from the ILS localizer extending 5 miles either side of the localizer course to a point 20 miles northwest of the localizer.

21. Section 601.4 (e) (126) is amended to read:

(126) *Control area extension (Knoxville, Tenn.).* From the Knoxville, Tenn., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the Inskip fan marker, and from the ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

22. Section 601.4 (e) (137) *Control area extension (Albany, Ga.)* is revoked.

23. Section 601.4 (e) (137) is added to read:

(137) *Control area extension (Key West, Fla.).* From the Key West, Fla., radio range station extending 5 miles on the north side and 2½ miles on the south side of the west course of the radio range to a point 20 miles west of the radio range station.

24. Section 601.4 (e) (140) is added to read:

(140) *Control area extension (Des Moines, Iowa).* From the Des Moines, Iowa, ILS localizer extending 5 miles either side of the ILS localizer course to a point 20 miles southeast of the localizer.

25. Section 601.4 (e) (141) is added to read:

(141) *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the midway point of a direct line between the intersection

of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

26. Section 601.4 (e) (142) is added to read:

(142) *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

27. Section 601.4 (e) (143) is added to read:

(143) *Control area extension (Nantucket, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station to a circle 15 miles in radius centered at the midway point on a direct line between the Nantucket, Mass., VHF radio range station and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

28. Section 601.4 (e) (144) is added to read:

(144) *Control area extension (Nantucket, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station to a circle 15 miles in radius centered at the intersection of the east course of the Nantucket, Mass., VHF radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

29. Section 601.4 (e) (145) is added to read:

(145) *Control area extension (Nantucket, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station to a circle 15 miles in radius centered at the intersection of the south course of the Nantucket, Mass., VHF radio range and the Western Boundary of the ICAO Control Area, including that portion below 2,000 feet except that area which lies within the confines of civil airways.

30. Section 601.4 (e) (146) is added to read:

(146) *Control area extension (New York, N. Y.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the east course of the New York (La Guardia), N. Y., radio range and the northeast course of the Mitchel Field (AFB), N. Y., radio range to a circle 5 miles in radius centered at the intersection of the east course of the New York (La Guardia), N. Y., radio range and the southwest course of the Nantucket, Mass., VHF radio range to a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station.

31. Section 601.4 (e) (147) is added to read:

(147) *Control area extension (New York, N. Y.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Mitchel Field (AFB), N. Y., radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

32. Section 601.4 (e) (148) is added to read:

(148) *Control area extension (Millville, N. J.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Millville, N. J., radio range station and the intersection of the southeast course of the Millville, N. J., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered on the intersection of the southeast course of the Millville, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

33. Section 601.4 (e) (149) is added to read:

(149) *Control area extension (Norfolk, Va.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the east course of the Norfolk, Va. (Navy), radio range and the Atlantic Ocean U. S. Coastline to a circle 10 miles in radius centered at the intersection of the east course of the Norfolk, Va. (Navy), radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet.

34. Section 601.4 (e) (150) is added to read:

(150) *Control area extension (Wilmington, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., VHF radio range station to a circle 15 miles in radius centered at the midway point on a direct line between the Wilmington, N. C., VHF radio range station and the West Palm Beach, Fla., radio range station to a circle 5 miles in radius centered on the West

Palm Beach, Fla., radio range station, excluding that portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the United States.

35. Section 601.4 (e) (151) is added to read:

(151) *Control area extension (Wilmington, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., VHF radio range station to a circle 5 miles in radius centered at Latitude 33° 55' 00" Longitude 77° 19' 00" to a circle 15 miles in radius centered at the intersection of the southeast course of the Wilmington, N. C., VHF radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

36. Section 601.4 (e) (152) is added to read:

(152) *Control area extension (Charleston, S. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Charleston, S. C., radio range station and a circle 5 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

37. Section 601.4 (e) (153) is added to read:

(153) *Control area extension (Jacksonville, Fla.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Jacksonville, Fla., radio range station to a circle 15 miles in radius centered on the intersection of the east course of the Jacksonville, Fla., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the United States.

38. Section 601.4 (e) (154) is added to read:

(154) *Control area extension (Atlantic City, N. J.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Atlantic City, N. J. (Navy), radio range station to a circle 5 miles in radius centered at the intersection of the south course of the Atlantic City, N. J. (Navy), radio range and the southeast course of the Millville, N. J., radio range, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

39. Section 601.4 (e) (155) is added to read:

(155) *Control area extension (Omaha, Nebr.).* From the ILS localizer extending 5 miles either side of the localizer course to a point 20 miles northwest of the ILS localizer.

40. Section 601.8 (a) is amended by deleting the following airports:

Chanute, Kansas: Municipal Airport.
Corpus Christi, Tex.: Cliff Maus Airport.

41. Section 601.8 (b) is amended by deleting the following airports:

Abilene, Tex.: Abilene Air Terminal.
Oklahoma City, Okla.: Will Rogers Field.
San Antonio, Tex.: Alamo Field.
Tyler, Tex.: Pounds Field.

42. Section 601.8 (b) is amended by adding the following airports:

Asheville, N. C.: Asheville-Hendersonville Airport.
Port Heiden, Alaska: Port Heiden Airport.

43. Section 601.8 (c) (22) is amended to read:

(22) *Washington, D. C. control zone.* Within a 5 mile radius of the Washington National Airport (excluding portion within Airspace Reservation established by Executive Order No. 8950 as amended by Executive Order No. 9153) extending 2 miles either side of the southwest course of the Washington radio range to the Mt. Vernon fan marker.

44. Section 601.8 (c) (24) is amended to read:

(24) *Amarillo, Tex., control zone.* Within a 5 mile radius of English Field extending 2 miles either side of the west course of the Amarillo, Tex., radio range to the Soncy fan marker and extending 2 miles either side of the east course of the radio range to the intersection of the east course of the Amarillo, Tex., radio range with the northwest course of the Clarendon, Tex., radio range, and extending 2 miles either side of the ILS localizer course to the ILS outer marker.

45. Section 601.8 (c) (28) is amended to read:

(28) *El Paso, Tex., control zone.* Within a 5 mile radius of the Municipal Airport extending 2 miles either side of the east course of the El Paso, Tex., radio range to the Hueco fan marker and extending 2 miles either side of the north course of the radio range to the Newman non-directional radio marker beacon.

46. Section 601.8 (c) (31) is amended to read:

(31) *Houston, Tex., control zone.* Within a 5 mile radius of the Houston Municipal Airport extending 2 miles either side of the southeast course of the Houston radio range to the Webster fan marker, and extending 2 miles either side of the southwest course of the radio range to the Arcola fan marker, and extending 2 miles either side of the northwest course of the radio range to the Houston fan marker.

47. Section 601.8 (c) (33) is amended to read:

(33) *Little Rock, Ark., control zone.* Within a 5 mile radius of Adams Field extending 2 miles either side of the southeast course of the Little Rock radio range to the Keo fan marker.

48. Section 601.8 (c) (43) is amended to read:

(43) *Casper, Wyo., control zone.* Within a 5 mile radius of Wardwell Field extending 2 miles either side of the east course of the Casper radio range to the Parkerton fan marker.

49. Section 601.8 (c) (44) is amended to read:

(44) *Cheyenne, Wyo., control zone.* Within a 5 mile radius of the Cheyenne Municipal Airport extending 2 miles either side of the northwest course of the radio range to the Silver Crown fan marker, and extending 2 miles either side of the east course of the radio range to the Hillsdale fan marker, and extending 2 miles either side of the ILS localizer course to the Hillsdale fan marker.

50. Section 601.8 (c) (47) is amended to read:

(47) *Denver, Colo., control zone.* Within a 10 mile radius of Stapleton Field extending 2 miles either side of the north course of the Denver radio range to the Dacono fan marker, and extending 2 miles either side of the south course of the radio range to the Franktown fan marker, and extending 2 miles either side of the east course of the radio range to the Watkins fan marker, and extending 2 miles either side of the ILS localizer course to a point 15 miles northeast of the end of the Northeast-Southwest Runway.

51. Section 601.8 (c) (48) is amended to read:

(48) *Des Moines, Iowa, control zone.* Within a 5 mile radius of the Des Moines Municipal Airport extending 2 miles either side of the south course of the radio range to a point 10 miles from the radio range station, and within 2 miles either side of the ILS localizer course extending to a point 10 miles southeast of the airport.

52. Section 601.8 (c) (53) is amended to read:

(53) *Huron, S. Dak., control zone.* Within a 5 mile radius of the Huron Municipal Airport extending 2 miles either side of the southwest course of the radio range to its intersection with the east course of the Pierre, S. Dak., radio range.

53. Section 601.8 (c) (64) is amended to read:

(64) *Omaha, Nebr., control zone.* Within a 5 mile radius of the Omaha Municipal Airport extending 2 miles either side of the north course of the radio range to the Fort Calhoun fan marker and extending 2 miles either side of the ILS localizer course to the Fort Calhoun fan marker.

54. Section 601.8 (c) (68) is amended to read:

(68) *Rock Springs, Wyo., control zone.* Within a 5 mile radius of the Municipal Airport extending 2 miles either side of the east course of the radio range to the Point of Rocks fan marker, and extending 2 miles either side of the ILS localizer course to the Point of Rocks fan marker.

55. Section 601.8 (c) (69) is amended to read:

(69) *St. Joseph, Mo., control zone.* Within a 5 mile radius of the Rosecrans Field extending 2 miles either side of the south course of the radio range to a point 10 miles from the radio range station and extending 2 miles either side of the ILS localizer course to a point 10 miles from the radio range station.

56. Section 601.8 (c) (70) is amended to read:

(70) *St. Louis, Mo., control zone.* Within a 5 mile radius of Lambert-St. Louis Municipal Airport extending 2 miles either side of the east course of the St. Louis radio range to the Spanish Lake fan marker and extending 2 miles either side of the ILS localizer course to the Spanish Lake fan marker.

57. Section 601.8 (c) (72) is amended to read:

(72) *Sheridan, Wyo., control zone.* Within a 5 mile radius of the Municipal Airport extending 2 miles either side of the southeast course of the radio range to the Ucross fan marker.

58. Section 601.8 (c) (73) is amended to read:

(73) *Sinclair, Wyo., control zone.* Within a 3 mile radius of the Sinclair Intermediate Field extending 2 miles either side of the west and east courses of the Sinclair radio range to a point 10 miles from the radio range station.

59. Section 601.8 (c) (107) is amended to read:

(107) *Joliet, Ill., control zone.* Within a 5 mile radius of the Municipal Airport extending 2 miles either side of the west course of the radio range to a point 10 miles west of the radio range station.

60. Section 601.8 (c) (151) is amended to read:

(151) *Knoxville, Tenn., control zone.* Within a 5 mile radius of the McGhee-Tyson Airport extending 2 miles either side of the north course of the radio range to the Inskip fan marker.

61. Section 601.8 (c) (152) *Macon, Ga. (Herbert Smart Airport), control zone* is revoked.

62. Section 601.8 (c) (152) is added to read:

(152) *Macon, Ga., control zone.* Within a 5 mile radius of Cochran Field extending 2 miles either side of the northwest course of the radio range to a point 10 miles northwest of the range station.

63. Section 601.8 (c) (192) is amended to read:

(192) *Mana, Kauai, T. H., control zone.* Within a 3 mile radius of the Barking Sands AFB extending 3 miles on the south side of the west course of the Port Allen radio range to the Port Allen radio range station, excluding that portion overlapping the Barking Sands Danger Area.

64. Section 601.8 (c) (241) *Albany, Ga., control zone* is revoked.

65. Section 601.8 (c) (241) is added to read:

(241) *Macon, Ga., control zone.* Within a 5 mile radius of Robins Field (AFB),

excluding that portion overlapping the Cochran Field control zone.

66. Section 601.8 (c) (243) is added to read:

(243) *Hempstead, N. Y., control zone.* Within a 5 mile radius of Mitchel Field (AFB) extending 2 miles either side of the southeast course of the Mitchel Field (AFB) radio range to the Babylon fan marker excluding the area within a 3,000-foot radius of Aviation Country Club Airport and the area extending 1,500 feet either side of a track 80° true from the center of the Aviation County Club Airport to the outer limits of the 5 mile radius circle centered on Mitchel Field AFB.

67. Section 601.8 (c) (244) is added to read:

(244) *Quantico, Va., control zone.* Within a 5 mile radius of the Marine Corps Air Station, excluding that portion overlapping danger areas.

68. Section 601.8 (c) (245) is added to read:

(245) *Chanute, Kans., control zone.* Within a 3 mile radius of the Chanute Municipal Airport extending 2 miles either side of the east course of the radio range to a point 10 miles from the radio range station.

69. Section 601.8 (c) (246) is added to read:

(246) *Oklahoma City, Okla., control zone.* Within a 5 mile radius of Will Rogers Field extending 2 miles either side of the west course of the radio range to the Mustang fan marker.

70. Section 601.8 (c) (247) is added to read:

(247) *Abilene, Tex., control zone.* Within a 5-mile radius of the Abilene Airport extending 2 miles either side of the north course of the radio range to the Phantom Hill fan marker.

71. Section 601.8 (c) (248) is added to read:

(248) *San Antonio, Tex., control zone.* Within a 5-mile radius of Alamo Field extending 2 miles either side of the north course of the Alamo radio range to the Cibolo Creek fan marker.

72. Section 601.8 (c) (249) is added to read:

(249) *Corpus Christi, Tex., control zone.* Within a 3-mile radius of the Cliff Maus Airport extending 2 miles either side of the northwest course of the radio range to the Odem fan marker.

73. Section 601.8 (c) (250) is added to read:

(250) *Tyler, Tex., control zone.* Within a 5-mile radius of Pounds Field extending 2 miles either side of the northwest course of the radio range to a point 5 miles northwest of the radio range station.

74. Section 601.9 (b) (8) is amended to read:

(8) *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.).* Santa Barbara, Calif., VHF radio range station; Paso Robles, Calif., VHF radio range

station; Salinas, Calif., VHF radio range station; the intersection of the southwest course of the San Francisco, Calif., radio range and the northwest course of the Salinas, Calif., VHF radio range; the intersection of the southwest course of the Fairfield-Suisun, Calif., radio range and the northwest course of the Oakland, Calif., radio range; Fairfield-Suisun, Calif., radio range station; Whitmore, Calif., radio range station; Klamath Falls, Oreg., radio range station; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station.

75. Section 601.9 (c) (26) is amended by changing caption to read:

(26) *Red civil airway No. 26 (Syracuse, N. Y., to Millville, N. J.).*

76. Section 601.9 (c) (59) is amended by changing caption to read:

(59) *Red civil airway No. 59 (Fort Wayne, Ind., to United States-Canadian Border).*

77. Section 601.9 (c) (70) is amended by changing caption to read:

(70) *Red civil airway No. 70 (Midland, Tex., to Oklahoma City, Okla.).*

78. Section 601.9 (c) (78) is added to read:

(78) *Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).* No reporting point designation.

79. Section 601.9 (c) (79) is added to read:

(79) *Red civil airway No. 79 (Port Angeles, Wash., to Everett, Wash.).* No reporting point designation.

80. Section 601.9 (c) (80) is added to read:

(80) *Red civil airway No. 80 (Lewis-town, Mont., to Miles City, Mont.).* No reporting point designation.

81. Section 601.9 (c) (81) is added to read:

(81) *Red civil airway No. 81 (Parkersburg, W. Va., to Elkins, W. Va.).* No reporting point designation.

82. Section 601.9 (d) (15) is amended by changing caption to read:

(15) *Blue civil airway No. 15 (Huntington, W. Va., to Erie, Pa.).*

83. Section 601.9 (d) (21) is amended by changing caption to read:

(21) *Blue civil airway No. 21 (Charleston, W. Va., to Erie, Pa.).*

84. Section 601.9 (d) (33) is amended by changing caption to read:

(33) *Blue civil airway No. 33 (Archbold, Ohio, to Detroit, Mich.).*

85. Section 601.9 (d) (44) is amended by changing caption to read:

(44) *Blue civil airway No. 44 (Advance, Mo., to Fort Wayne, Ind.).*

86. Section 601.9 (d) (51) is amended by changing caption to read:

(51) *Blue civil airway No. 51 (Wendover, Utah to DuBois, Idaho).*

87. Section 601.9 (d) (60) is added to read:

(60) *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* No reporting point designation.

88. Section 601.9 (d) (61) is added to read:

(61) *Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).* No reporting point designation.

89. Section 601.9 (d) (62) is added to read:

(62) *Blue civil airway No. 62 (Ypsilanti, Mich., to Flint, Mich.).* No reporting point designation.

90. Section 601.9 is amended by adding a new paragraph to read:

(e) *Other reporting points.* Whidbey Island, Wash.; Navy Radio Range.

This amendment shall become effective 0001 e. s. t., January 1, 1949.

(Sec. 205, 301, 302, 307 and 308; 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong., ch. 792, 2d Sess.; 49 U. S. C., 425, 451, 452, 457, 458)

F. B. LEE,

Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 48-11310; Filed, Dec. 23, 1948;
9:02 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter III—Public Housing Administration, Housing and Home Finance Agency

REDESIGNATION OF CHAPTER AND MISCELLANEOUS AMENDMENTS

1. Chapter VI is redesignated as Chapter III.

2. The codification of certain parts which fall under section 3 (a) (1) of the Administrative Procedure Act is discontinued:

Part 600—Description of Agency and Programs.

Part 601—Central Office Organization and Final Delegations of Authority to Central Office Officials.

Part 602—Field Organization and Final Delegations of Authority.

Part 620—Resettlement Program: Procedures.

Part 630—War Housing Program: Procedures.

Part 640—Veterans Emergency Housing Program: Procedures.

Part 650—Conversion Management Program: Procedure.

Part 651—Conversion Management Program: Policy.

Part 660—Procurement and Disposal Program: Procedures.

Future amendments to these parts will appear in the Notices section of the FEDERAL REGISTER.

3. The following parts are revoked inasmuch as they are obsolete:

Part 670—Defense Homes Corporation Organization.

Part 671—Defense Homes Corporation Procedure.

Part 672—Defense Homes Corporation Policies.

4. Part 610, Low-Rent Housing and Slum Clearance Program; Procedures, is deleted.

Since the material in this part relates to matters between the PHA and local housing authorities, it has been determined that the material need not be published in the Code of Federal Regulations, and that no future amendment will be published in the FEDERAL REGISTER.

5. Wherever it appears, "FPHA" is changed to "PHA".

6. The material remaining in Chapter VI is renumbered in the following parts of Chapter III:

Old part No.	New part No.	Old part No.	New part No.
605-----	300	631-----	340
611-----	320	641-----	350
621-----	330		

7. The following sections are renumbered as follows, without change in substance:

Old section No.	New section No.	Old section No.	New section No.
611.1-----	320.1	611.10-----	320.10
611.4-----	320.4	621.2-----	330.2
611.5-----	320.5	621.3-----	330.3
611.6-----	320.6	631.2-----	340.3
611.7-----	320.7	641.1-----	350.1
611.8-----	320.8		

8. The following sections are renumbered and amended as follows:

a. Section 605.1 *FPHA Records* is renumbered and amended to read as follows:

§ 300.1 *PHA Records*—(a) *Availability of records.* Section 3 (c) of the Administrative Procedure Act, approved June 11, 1946, requires that the PHA make its official records available to persons properly and directly concerned. The responsibility for compliance with this provision is vested in the Director of the Document Control Branch. Persons desiring to consult such records should apply, in writing, to the Director of the Document Control Branch, PHA, Longfellow Building, Washington 25, D. C. Such applications shall identify as precisely as possible the official records which the applicant desires to consult. The Director of the Document Control Branch shall advise the applicant, in writing, either (1) of the time and place at which the records will be available to him; or (2) that the records are not available to the applicant, in which case the reasons for such action shall be briefly stated.

(b) *Definition of official records.* The term "official records" as used herein means those documents which embody the official acts of the PHA. It does not include internal memoranda and other reports prepared by employees of the PHA for use within the PHA as they merely reflect research and analysis prior to official action. The term includes copies of:

(1) All contracts entered into by the United States Housing Authority or the PHA under the United States Housing Act of 1937, as amended, and all formal papers, reports, and documents required by these contracts to be filed with the PHA.

(2) All contracts to which the PHA is a party for the construction, operation, sale, or other disposition of permanent,

or temporary war, or veterans housing facilities and all formal papers, reports, and documents required by those contracts to be filed with the PHA.

(3) All contracts, exclusive of those covered by subparagraphs (1) and (2) of this paragraph heretofore or hereafter administered by the PHA under Executive Order 9070 and all formal papers, reports, and documents required by those contracts to be filed with the PHA.

(4) All formal papers, forms, bids, contracts, and reports incident to the disposal of properties made available to the PHA by the War Assets Administration for disposal.

(5) Such other documents as the Director of the Document Control Branch in his sound discretion determines to be "official records."

b. Section 605.2 is renumbered § 300.2; the words "Regional Office" or "General Field Office" are changed to "Field Office", and the words "Regional Director" are changed to "Field Office Director."

c. Section 605.3 is renumbered § 300.3; in paragraph (a) the words "regional office in whose region" are changed to "field office within whose jurisdiction;" and in the last sentence of paragraph (a) the words "regional office" are changed to "field office."

d. Section 611.2 is renumbered § 320.2; the words "regional director" are changed to "Assistant Commissioner for Field Operations."

e. Section 611.3 is renumbered § 320.3 and paragraph (a) (1) is amended to read as follows:

§ 320.3 *Determination of net annual income for families of servicemen and families with veteran members attending educational institutions—(a) Determination of net family income and family status of servicemen.* (1) When serviceman is living with his family. All of the income received by the serviceman, including his base pay, all extra pay, subsistence and rental allowance, if any, and that portion of the family dependency allowance contributed by the Government, is included with income received by all family members from all sources. Deductions will be allowed as follows:

(i) Special occupational expenses necessary to employment and for which no reimbursement is made by the employer, but only to the extent by which such expenses exceed normal and usual expenses (e. g. noon-day meals and transportation to work) incident to employment.

(ii) Deductions from wages for social security, for pension or retirement funds, or for health, accident, or medical benefit plans, if required by law or required by the employer as a condition of employment.

(iii) Amounts actually paid, if reasonable and necessary, for the support of a person or persons not residing with the family but for whose support one or more members of the family are legally or morally responsible; but not including expense incurred for the support of children away from home for purposes of normal and voluntary education.

(iv) Amounts actually paid, if reasonable and necessary, for the care of children or aged or incapacitated family

members in order to permit the employment of a sole worker.

The following items shall not be considered as allowable deductions: payroll deductions for income tax, payroll deductions not required by the employer as a condition of employment for pensions or other benefits, payments for war bonds, group health, group or other insurance, bills and garnishments, installment purchases, repayment of loans, or interest and finance charges on such items.

In the middle of paragraph (a) (2) and in the last sentence of paragraph (b) the words "610.1-403 of this chapter" are changed to read "subparagraph (1) of this paragraph."

f. Section 611.9 is renumbered § 320.9; the words "Area Director" are changed to "Field Office Director."

g. Section 621.1 is renumbered § 330.1; paragraph (a) is deleted and paragraph (b) is renumbered paragraph (a) accordingly; in paragraphs (a) (1) (iii), (a) (3), and (a) (4), the words "General Field Office" are changed to "PHA"; in paragraph (a) (5) (iv), the last sentence is deleted.

h. Section 621.4 is renumbered § 330.4 and paragraph (b) is amended to read as follows:

(b) *Subsistence homestead projects—*
(1) *Housing units.* All units in these projects have been sold by PHA under purchase contracts. At present, prepayment in full has been received on all but 35 of these contracts. These remaining 35 are in the process of liquidation and upon receipt of payment in full deeds will be issued.

(i) *Resale by grantees.* Each deed hereafter given by the PHA within less than two years after the date of the contract will contain a provision that, in the event of resale within two years from the date of the purchase contract, (a) the selling price will not exceed the purchase price paid by the grantee named in such contract, plus certain allowable fees, and costs of improvements added to the property, and (b) the property will be offered for sale exclusively to veterans, servicemen, or their families for a period of thirty days before sale to a non-veteran.

Paragraph (b) (2) and (3) is deleted.

i. Section 631.1 is renumbered § 340.1. In the last sentence the words "application * * * eviction certificate" are changed to "legal action to evict may be initiated."

j. Section 340.2 is added to read as follows:

§ 340.2 *Eligibility for admission.* (a) In all Public Law 849 (Lanham Act) except mutual ownership and public conversion properties, in Public Laws 9, 73, 353 (Temporary Shelter Acts), and in Public Law 781 (Naval Appropriation Act, 1941) projects, eligibility for admission to vacancies shall be in accordance with the provisions of this section until the admission of tenants is discontinued.

(b) In family dwelling projects determined to be of a temporary character pursuant to section 313 of the Lanham Act, demountable family dwelling projects which are to be removed from their

present sites, temporary dormitories, trailers, and stop-gap accommodations, only distressed veterans and distressed families of veterans and servicemen shall be eligible for admission prior to the termination of such projects, except that the Office of the Administrator may approve for specific projects (under this paragraph), the admission of persons and families in the following categories and order of preferences: *Provided, however,* That no such person or family may be admitted when a vacancy occurs if there is an eligible distressed veteran or distressed family of a veteran or serviceman available to occupy the vacant accommodations:

(1) Any military personnel (other than in the above distressed families) and civilian employees and their families or dependents, without housing, of the Army and Navy Departments, the Coast and Geodetic Survey, and the United States Public Health Service assigned to duty in the locality, and civilian employees of any private plants which are specifically determined by the Office of the Administrator to be engaged in the completion of war contracts;

(2) Other distressed persons and families who are without housing as a result of the war or its orderly demobilization. Upon termination of any project under this paragraph, no persons or families shall be admitted to vacancies in such project.

(c) In all projects not determined to be of a temporary character pursuant to section 313 of the Lanham Act, except demountable projects which are to be removed from their present sites, distressed veterans and distressed families of veterans and servicemen are eligible for admission to vacancies prior to the disposition of such projects, except as provided below. If there is no eligible distressed veteran or distressed family of a veteran or serviceman available to occupy the vacant accommodations, the following persons and families are eligible for admission in the following order of preferences:

(1) Any military personnel (other than in the above distressed families) and civilian employees and their families or dependents, without housing, of the Army and Navy Departments, the Coast and Geodetic Survey, and the United States Public Health Service assigned to duty in the locality, and civilian employees of any private plants which are specifically determined by the Office of the Administrator to be engaged in the completion of war contracts;

(2) Other distressed persons and families who are without housing as a result of the war or its orderly demobilization;

(3) Other persons and families in need of housing.

(d) In exceptional cases the Office of the Administrator may approve for specific projects under this section:

(1) The exclusive reservation of dwellings for distressed military personnel or distressed civilian employees of the Army or Navy Department or of private plants which are specifically determined by the Office of the Administrator to be engaged in the completion of war contracts; or

(2) The admission on a parity with distressed veterans and distressed families of veterans and servicemen, of distressed civilian employees of the Army and Navy Departments, distressed uniformed and civilian personnel of the Coast and Geodetic Survey and United States Public Health Service assigned to duty in the locality, and distressed civilian employees of private plants, which are specifically determined by the Office of the Administrator to be engaged in the completion of war contracts.

(e) A person otherwise eligible under this section who applies for occupancy for himself only, shall be eligible for only accommodations appropriate for single persons.

(f) Distressed veterans and families of servicemen and veterans.

(1) Veterans and families of servicemen and veterans are "distressed" within the meaning of this section and affected by unusual hardships if such persons are without housing, by reason of eviction, a low income or otherwise, and are unable to find in the area adequate housing within their financial reach. This includes a family of a returning veteran who is unable to find a dwelling in the area within his financial reach in which he can reestablish his family. Distressed families of servicemen or veterans include distressed families of deceased servicemen or veterans. As used in this section, a veteran means a person who has served in the military or naval forces of the United States during World War II and who has been discharged or released therefrom under conditions other than dishonorable.

k. Section 631.3 is renumbered § 340.4; in paragraph (a) (1) the words "and will * * * 1942" are deleted; paragraph (a) (2) is amended to read as follows:

(2) *Locally owned projects*—(i) *Limitation to amounts specified in original assistance contract.* Local housing authorities may make payments in lieu of taxes on all locally owned projects (including P. L. 412 and P. L. 671 projects, in active or deferred status) in the amounts specified in the original assistance contract. No payments in lieu of taxes in addition to the amounts specified in the original assistance contract shall be made after October 26, 1948.

(ii) *Conditions as to allowable payments in lieu of taxes.* In no event may payments in lieu of taxes on locally owned projects be made in respect to any fiscal year in an amount which would reduce the total of all local contributions to the end of such year to less than 20 per cent of the total of all PHA annual contributions including the contribution made after the end of such year. The payments in any year to any taxing jurisdiction shall not be greater than the real property taxes which would be paid to such jurisdiction if the project were not exempt from taxation, less appropriate allowances in the case of P. L. 671 projects for expenditures by the local housing authority for streets, utilities, or other public services to serve such projects. The payments in lieu of taxes made by local housing authorities for PHA aided projects may not exceed the

amounts permitted to be paid by local housing authorities under applicable state or local laws. Payments in lieu of taxes on PHA aided projects based on the operations of any given fiscal year or period shall be charged as an expense in such year or period, even though actual payments are made in whole or in part after the end thereof.

(iii) *Definition of "amount specified in original assistance contract."* The term "amount specified in the original assistance contract" shall be considered to be the amount specified in the earliest Assistance Contract entered into between the PHA and the local housing authority in respect to the project; where, however, such earliest Assistance Contract does not name a specified percentage or amount but merely provides for payments which are to be subsequently agreed upon in a Cooperation Agreement with a taxing body and approved by the PHA, then the allowable payments in lieu of taxes may not exceed the amount stipulated in the earliest such Cooperation Agreement which relates to the project.

1. Section 631.4 is renumbered § 340.5 and paragraphs (b), (c) (5), and (d) are amended to read as follows:

(b) *Consultation with local governments.* Local governments shall, as provided in Public Regulation No. 1 (12 F. R. 5750), as amended, be notified of disposition plans regarding projects in their locality sufficiently in advance to give them an adequate opportunity to study the problem and make recommendations. The notice shall state the time within which such recommendations shall be made and the PHA representative who may be consulted and to whom such recommendations shall be addressed.

(c) *Disposition of temporary projects.* * * *

(5) *Trailers.* Upon approval of termination of a trailer project, or part thereof, further intake of tenants shall be stopped and prompt action taken to dispose of the trailers involved. The following order of preference shall govern the sale or transfer of trailer projects, or parts thereof, which are terminated:

(i) *Trailer projects operated by PHA or LHA—(a) Dwelling trailers.* (1) Veterans shall be given preference to purchase all vacant dwelling trailers. Such sales shall be at fixed prices (fair market value). The priority of any one veteran may be exercised in connection with the sale of only one trailer at any one sale.

(2) Occupants may be given preference to purchase dwelling trailers that remain occupied after termination if it is determined that this method of sale is necessary to expeditiously close down the entire project. Such sales shall be at fixed prices. Each occupant shall have preference to purchase only one trailer, the one he occupies.

(3) The general public shall be offered vacant dwelling trailers which are not sold in accordance with (1) or (2). Such sales shall be at the same fixed prices as in the sale to veterans, or on a competitive bid basis.

(b) *Non-dwelling trailers.* The general public shall be offered non-dwelling trailers on a competitive bid basis.

(ii) *Trailer projects operated by commercial bailees or other Federal Government agencies.* (a) The bailee or Federal government agency which operates the project shall be given preference to purchase dwelling and non-dwelling trailers. Such sales shall be at fixed prices.

(b) Veterans shall be given preference to purchase vacant dwelling trailers not sold in accordance with (ii) (a). Such sales shall be at the same fixed prices in the offer to the bailee or government agency.

(c) Occupants shall be given preference to purchase dwelling trailers that remain occupied after termination if it is determined that this method of sale is necessary to expeditiously close down the entire project. Such sales shall be at fixed prices.

(d) The general public shall be offered vacant dwelling trailers not sold in accordance with (a), (b), or (c). Such sales shall be at the same fixed prices as in the sale to veterans, or on a competitive bid basis. Non-dwelling trailers shall be offered to the general public on a competitive bid basis.

(iii) *Title V trailer projects.* The following methods will be used in the disposition of Title V trailer projects where the responsibility for disposition rests with the PHA:

(a) The local body or the educational institution which operates the Title V project shall be given the opportunity to acquire title to the dwelling and non-dwelling trailers by transfer, without reimbursement, by negotiation of a contract, PHA-SP-1481-L.

(b) Where title is not to be transferred to the local body or the educational institutions under (a), the dwelling and non-dwelling trailers will be disposed of by PHA in accordance with subdivision (1).

(iv) *Trailers in salvage or scrap condition.* Trailers classified as salvage or scrap may be sold without regard to the preference stated herein.

(d) *Disposition of permanent and demountable projects on-site.* Terminated permanent and demountable projects sold on site shall be sold by the PHA as provided in Public Regulation No. 1 (12 F. R. 5750), as amended, for private residential purposes, unless sold to a local housing authority by authority of Congress or unless transferred or sold to a Government agency. Public announcement shall be made of the proposed sale of any permanent or demountable project. Such announcement shall state the place where detailed information may be obtained as to the specific sale plan, order of preference, operation of priority system, sale price and terms and conditions of sale.

In the heading of paragraph (c) (6) the words "except for trailers" are added after "sales prices."

m. Section 641.2 is renumbered § 350.2; in paragraph (b) (2) (i) the words "Area Director" are changed to "Field Office Director."

JOHN TAYLOR EGAN,
Commissioner.

DECEMBER 22, 1948.

[F. R. Doc. 48-11299; Filed, Dec. 28, 1948; 9:01 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 334—ODC COMPLIANCE PROCEDURE

PART 336—OPERATION OF ALLOCATIONS AND EXPORT PRIORITIES

PART 338—ALLOCATION ORDERS

Parts 334, 336 and 338 are revised as set forth below.

Part 334, ODC Compliance Procedure, comprising §§ 334.1 to 334.29 (designated Procedural Document 1), covers the provisions for securing compliance with Office of Domestic Commerce orders and regulations. It is a revision, effective January 1, 1949, of former Materials Control Regulation 2, as amended May 7, 1948 (formerly Part 329, § 373.1 (a) to (h)), combined with former Procedural Document 2, as amended May 7, 1948 (formerly Part 334, §§ 334.1 to 334.22).

Part 336, Operation of Allocations and Export Priorities, §§ 336.1 to 336.61, effective January 1, 1949, is divided into subparts:

1. Subpart: Basic Rules Affecting Allocations and Export Priorities (§§ 336.1 to 336.20) which is designated Allocation Regulation 1.

2. Subpart: Export Priorities (§§ 336.31 to 336.40) which is designated Allocation Regulation 2, under which are Directions 1 and 2. Direction 1 covers the use and effect of the symbol CXS on certain export orders for tin plate. Direction 2 covers special rules for placing and scheduling certified orders for steel, copper, and aluminum.

3. Subpart: Appeals from ODC Orders and Regulations (§§ 336.51 to 336.61) which is designated Allocation Regulation 3.

Part 338, Allocation Orders, comprising §§ 338.1 to 338.118, is divided into subparts:

1. Subpart: Tin (§§ 338.1 to 338.25) which is designated Allocation Order M-43 and is a revision and redesignation of former Conservation Order M-43, as amended May 7, 1948, which it supersedes effective January 1, 1949.

2. Subpart: Cans (§§ 338.31 to 338.46) which is designated Allocation Order M-81 and is a revision and redesignation of former Conservation Order M-81, as amended May 7, 1948, which it supersedes effective January 1, 1949.

3. Subpart: Antimony (§§ 338.51 to 338.61) which is designated Allocation Order M-112 and is a revision and redesignation of former Conservation Order M-112, as amended July 1, 1948, which it supersedes effective January 1, 1949.

4. Subpart: Rubber, Synthetic Rubber and Products thereof (§§ 338.71 to 338.79, 338.85) which is designated Allocation Order R-1 and is a revision and redesignation of former Rubber Order R-1, as amended May 7, 1948, which it supersedes effective January 1, 1949.

5. Subpart: Use and Effect of Certified Export Orders for Nitrogenous Fertilizer Materials (1948-49 Export Program)

(§§ 338.91 to 338.103) which is designated Allocation Order N-1 and is a revision and redesignation of former Allocation Regulation 2, Direction 4A, as amended November 22, 1948, which it supersedes effective January 1, 1949.

6. Subpart: Distribution of Army Anhydrous Ammonia (§§ 338.111 to 338.118) which is designated Allocation Order D-1 and is a revision and redesignation of former Distribution Order D-1, as amended September 21, 1948, which it supersedes effective January 1, 1949.

PART 334—ODC COMPLIANCE PROCEDURE [Procedural Document 1]

GENERAL MATTERS

- Sec. 334.1 Explanation.
- 334.2 Responsibility for compliance.
- 334.3 Investigations and inspections.
- 334.4 Initial action upon reported violations.

OPPORTUNITY FOR ADJUSTMENT WITHOUT COMMISSIONER'S HEARING

- 334.5 Notice to respondent.
- 334.6 Consent orders.
- 334.7 Temporary suspension orders.
- 334.8 Referral to Compliance Commissioner.

COMMISSIONERS, HEARINGS AND REPORTS

- 334.9 Compliance Commissioners.
- 334.10 Hearings by Commissioners.

SUSPENSION ORDERS

- 334.11 Form and effect of suspension orders.
- 334.12 Effective dates of suspension orders; stays.

APPEALS

- 334.13 Appeals.

SPECIAL HEARINGS AND INVESTIGATORY PROCEEDINGS

- 334.14 Special proceedings.

MISCELLANEOUS MATTERS

- 334.15 Subpoenas.
- 334.16 Inspection and copies of record.
- 334.17 Closing compliance cases.
- 334.18 Appearances.
- 334.19 Separation of functions.
- 334.20 Disqualification of Commissioner.
- 334.21 Criminal or civil proceedings not affected by administrative proceedings.

COMPLIANCE COMMISSIONERS; RULES AND PROCEDURES FOR HEARING CHARGES OF VIOLATIONS OF ODC ORDERS AND REGULATIONS; APPEALS FROM COMMISSIONERS' DECISIONS

- 334.22 Explanation.
- 334.23 Deputy Compliance Commissioners.
- 334.24 Functions of Commissioners.
- 334.25 Proceedings before Commissioners.
- 334.26 Appeals.
- 334.27 Stays.
- 334.28 Separation of functions.
- 334.29 Criminal or civil proceedings not affected.

AUTHORITY: §§ 334.1 to 334.29 issued under 56 Stat. 177, as amended and extended (Pub. Laws 188, 427, 606, 80th Cong.); Pub. Law 469, 80th Cong. E. O. 9841 Apr. 23, 1947, 12 F. R. 2645, 3 CFR, 1947 Supp.; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

GENERAL MATTERS

§ 334.1 *Explanation.* The sections in this part explain the general course and method by which the Office of Domestic Commerce secures compliance with its orders, regulations and other administrative actions, including those of the Office of Materials Distribution, Civilian Production Administration and War

Production Board with which it is still concerned, up to the point where particular cases are referred to the Department of Justice for civil or criminal proceedings in the courts. Such orders, regulations and administrative actions are hereafter referred to in this part for convenience as "orders," except where the context indicates that a suspension order or consent order is referred to.

The explanatory matter in this part includes procedure within the Office of Domestic Commerce; the handling of cases referred to the Compliance Commissioner for consideration under the authority delegated to him and Deputy Compliance Commissioners under §§ 334.22 to 334.29; the proceedings before such Commissioners, and administrative actions based thereon; and appeals from the decisions of the Commissioners.

§ 334.2 *Responsibility for compliance.* The Compliance Officer and the counsel of the Office of Domestic Commerce are responsible for obtaining compliance with its orders. This includes authority for the handling of investigations and administrative proceedings, and recommendations and assistance to the Department of Justice for the prosecution of criminal and civil proceedings, arising out of violations of such orders.

§ 334.3 *Investigations and inspections.* The Compliance Officer has the primary responsibility within the ODC for authorizing and conducting investigations and surveys relating to compliance with orders. He has authority to inspect the books, records and other writings, premises or property of any person, and to make or cause to be made such investigations as may be necessary or appropriate in his discretion to the enforcement or administration of orders. The Compliance Officer in making inspections and investigations and in the preparation and presentation of cases before the Compliance Commissioners and to the courts, may utilize the services of officials and staffs of Government departments or agencies. Such inspections and investigations are made under authority of Federal statutes including Title III of the Second War Powers Act of 1942, as amended, and the Rubber Act of 1948 (Pub. Law 469, 80th Cong.).

§ 334.4 *Initial action upon reported violations.* When any alleged or apparent violation is brought to the attention of the Compliance Officer, he determines whether to make a compliance investigation or compliance survey, or to close the case. If he determines that an investigation or survey should be made, he will proceed with it, or refer the case to an appropriate official for such purpose, as explained above. If the case is referred to another official, he will make the investigation or survey and submit his report and recommendations thereon to the Compliance Officer. Upon the information disclosed by the investigation or survey, the Compliance Officer determines whether it is appropriate to close the case, or to take further action. Such further action may consist of referring the case through the ODC counsel to the Department of Justice for criminal prosecution or civil proceedings, or ad-

ministrative action as explained below, or both.

OPPORTUNITY FOR ADJUSTMENT WITHOUT COMMISSIONER'S HEARING

§ 334.5 *Notice to respondent.* If the Compliance Officer and ODC Counsel consider administrative action to be appropriate rather than or in addition to, the institution of civil or criminal proceedings, the Compliance Officer customarily sends a letter or telegram to the person charged with the violation, who is referred to as the respondent. Such communication notifies the respondent that information has been received as to facts or conduct which may constitute a violation of an order by him and may warrant the institution of administrative proceedings before a Commissioner. It contains a summary statement of such facts or conduct, refers to the order, and affords the respondent an opportunity to demonstrate that he has met the requirements of the order or to adjust his operations to meet the past and future requirements of the order. This or any subsequent administrative proceedings will not, however, affect any criminal prosecution of the respondent for a violation, as explained in § 334.21.

§ 334.6 *Consent orders.* (a) Upon receipt of the notice referred to in § 334.5, if the respondent promptly requests an opportunity to present his case, which should be done by letter or telegram to the Compliance Officer, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., the Compliance Officer receives and considers such facts as may be presented. The respondent will ordinarily be permitted to present his facts in person, or through his attorney, to the Compliance Officer in Washington unless he wishes to submit a complete written statement by mail, either of which must be done promptly. He is entitled to be represented by counsel as explained in § 334.18. If the Compliance Officer is satisfied that there has been no violation or that the violation was not wilful or substantial, he may close the case. If the respondent admits the violation, a consent order may be issued upon the respondent's agreement and with the approval of the Compliance Officer and ODC counsel.

(b) Consent orders customarily have the same effect as suspension orders, which are explained in § 334.11 (c). In cases where a quota has been exceeded, a quota adjustment may be made by the issuance of a consent order reducing the respondent's future quota by the amount of the excess. If the Compliance Officer finds that the quota was not substantially exceeded, he may order it to be adjusted with the agreement of the respondent without the issuance of a formal consent order. Consent orders become effective upon issuance.

(c) Appearance in response to the notice described in § 334.5 is purely voluntary, and no person is under any compulsion to appear, or to make any reply or showing, or to agree to any consent order or adjustment. No person should agree to any consent order or adjustment unless he thoroughly understands the order or adjustment, and wishes to agree to it of his own free will. The

Compliance Officer will not approve the issuance of a consent order or the making of an informal adjustment unless he is satisfied that the respondent understands it and agrees to it.

§ 334.7 *Temporary suspension orders.* Whenever the Compliance Officer considers that time, the nature and effect of an apparent violation, and the public interest so requires, he may with approval of the ODC counsel direct the issuance of a temporary suspension order without notice to respondent where (a) there has been a violation which was clearly wilful; or (b) the public interest so requires; or (c) in other cases, but only after the respondent has been given an opportunity to present his case in the manner described in §§ 334.5 and 334.6. In all cases, however, the respondent is advised of the charges against him and a hearing before a Commissioner is held as soon as practicable after the issuance of a temporary suspension order and in any event before such order is made permanent unless the respondent waives the hearing or consents to the action taken.

§ 334.8 *Referral to Compliance Commissioner.* If the respondent does not request an opportunity to present his case, or presents it and fails to demonstrate that there was no violation and does not agree to the issuance of a consent order, the Compliance Officer may then refer the case to the Compliance Commissioner.

COMMISSIONERS, HEARINGS AND REPORTS

§ 334.9 *Compliance Commissioners.* The Compliance Commissioner for Office of Domestic Commerce is appointed by the Secretary of Commerce. He may select and designate Deputy Compliance Commissioners to assist him with his responsibilities. The Compliance Commissioner and Deputy Commissioners are responsible to the Secretary of Commerce, and not to the Director of Office of Domestic Commerce.

(a) The Compliance Commissioner and Deputy Commissioners hear and consider charges of violation of orders referred to him by the Compliance Officer. They have authority to administer oaths and affirmations and to require by subpoena issued by them in the name of the Secretary of Commerce, the attendance of witnesses and the production of books, records or other documents or physical evidence determined by them to be relevant. Sections 334.22 to 334.29 delegate authority to the Compliance Commissioner and to Deputy Commissioners, and define generally their duties and how proceedings are conducted.

(b) All hearings are customarily held in Washington, D. C., in a room assigned for that purpose by the Department of Commerce, with a Compliance Commissioner presiding. The holding of hearings at other places will ordinarily not be possible due primarily to budgetary and personnel limitations, and no respondent is entitled to insist upon a hearing outside of Washington. In exceptional cases, where a respondent within five days after receipt of notice of a hearing notifies the Compliance Officer by letter or telegram that he wishes to appear and offer evidence, that he or one or more

of his material witnesses reside and are employed more than 100 miles from Washington and it is not practicable for them to be present there, and that he requests the hearing to be held at a more convenient place, the Compliance Officer may, if he finds it feasible to do so under the limitations referred to in this paragraph, request the Compliance Commissioner to designate a Deputy Commissioner to hear the case, or to hear it himself, at some place more convenient for the respondent. If such arrangements are made, the respondent will be notified of the time and place of the hearing; and if not, he will be notified of the time and place of the hearing in Washington.

The following description of the proceedings at hearings is applicable whether the hearing is held before the Compliance Commissioner or a Deputy Commissioner designated by him; and the presiding officer is referred to as the Commissioner, for brevity.

§ 334.10 *Hearings by Commissioners—*
(a) *Charging letters.* Prior to a hearing by a Commissioner, the Compliance Officer arranges for timely and adequate notice to the respondent of the time, place and nature of the hearing and the legal authority and jurisdiction under which it is to be held. This notice, which is referred to as a charging letter, is sent usually 15 days in advance of the date initially set for the hearing, and includes a summary statement of the charges and of the alleged facts or conduct on which the charges are based. Also, the Compliance Officer sees that notice of the hearing is given to the official who investigated the case.

(b) *Procedure; hearing powers; evidence; and reports.* (1) Hearings by Commissioners are designed to afford as close an approximation to judicial proceedings as is possible under the circumstances, and to bring forth all facts and circumstances relevant to the charges which have been made; and if violations are found, to indicate what administrative action would be advisable and how violations may be prevented in the future. Formal pleadings are not required. The Commissioners afford respondents and the Compliance Officer opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the procedure and the public interest permit. Attendance at such a hearing by the respondent is purely voluntary, and he is not required to appear or offer evidence; if he does not choose to appear the proceeding will go forward without him.

(2) The respondent is entitled to be represented by counsel, as explained in § 334.18. If he wishes to offer evidence, his position should be supported by persons thoroughly familiar with his operations and the controls he has established to comply with orders, including such persons as are necessary to present his evidence or explanation of the charges. If his records or reports are to be offered in support of his defense or explanation, the person offering such records or reports should be familiar with their preparation and factual background. An original and two copies of any explanation

tory statement and an original and one copy of every other document to be offered for the Commissioner's consideration should be submitted at the hearing.

(3) The Compliance Officer is represented by attorneys and such investigators, analysts, or other witnesses as are necessary to present the case against the respondent.

(4) The Commissioner presides at the hearing. He will customarily state at the outset the purpose of the hearing, the procedure to be followed, and the types of findings and recommendations he may make. He will advise the respondent that the wilful violation of an order, or the wilful concealment of a material fact or making of a false or fraudulent statement or representation knowingly, are criminal offenses, pointing out the statutory penalties therefor; he will explain that the respondent is entitled to his constitutional and statutory privileges against self-incrimination, and is under no compulsion to make any statements or to offer any explanation. A copy of the charging letter will be shown to the respondent if he appears, and will be identified and marked as an exhibit. The Commissioner may administer oaths and affirmations; however, witnesses are not placed under oath or affirmation unless the Commissioner deems this advisable. He may also rule upon offers of proof and will receive relevant evidence. He may regulate the course of the hearings, dispose of procedural requests or similar matters, and by consent of the parties may hold conferences for the settlement or simplification of the issues although he does not adjust cases.

(5) At the beginning of each hearing, the Commissioner will attempt to determine what facts, if any, are in issue. The Compliance Officer has the burden of proof. Compliance Commissioners do not consider arguments against the policy which the order is designed to effectuate.

(i) If the respondent appears and admits the facts which constituted the violation charged, the Commissioner will request the respondent to present whatever explanation or defense he has to offer respecting the charges. This should be restricted to matters which may excuse or explain the violation. The respondent should proceed with any explanation or excuses he may wish to offer, including testimony or exhibits.

(ii) On the other hand, if the respondent does not appear, or appears and does not admit all of the charges, the Compliance Officer will be called upon to produce proof of all charges not admitted, and may offer evidence in support of the charges. The respondent is then permitted an opportunity to cross-examine and offer contrary evidence or explanations.

(iii) Each party is afforded opportunity to present his case or defense by oral or documentary evidence, and to conduct such cross-examination as may be required for a full disclosure of the facts. Examination of witnesses on behalf of the Compliance Officer will customarily be conducted by his attorney. The Commissioner himself may also examine or cross-examine any witness.

(6) Any oral or documentary evidence relevant and material to the issues may be admitted; but irrelevant, immaterial and unduly repetitious evidence will be excluded, in order to keep the record as clear and concise as possible. The Commissioner will endeavor to ascertain such details of the respondent's operations as will be helpful to him in his consideration and action upon the case. He may also call upon expert witnesses during the course of the hearing.

(7) After the conclusion of evidence, the Compliance Officer and respondent will each be given an opportunity to present oral arguments. Prior to this, all argumentative statements or explanations will customarily be excluded. At the close of the hearing, or within five days thereafter if request has been made at the hearing, each of the parties may submit to the Commissioner for his consideration, proposed findings and conclusions with supporting reasons therefor, although this is not required. If such material is submitted, the record will show the Commissioner's rulings thereon.

(8) The Commissioner will proceed with all reasonable dispatch to conclude the case before him by filing a report with the Compliance Officer of ODC. The report will contain a statement of the facts found by him to be relevant to the violations charged, together with his conclusions: (i) As to whether or not the facts constituted a violation of any order, or a false or fraudulent statement or representation or concealment of a fact which is relevant and material to the administration or enforcement of an order, in violation of Title 18, U. S. Code (Crimes), section 1001, as charged; (ii) If so, whether or not the violation was wilful or the result of gross negligence. Such findings and conclusions will be based only upon reliable, probative and substantial evidence, except when admitted by the respondent. The report will also include a recommendation for administrative action or other disposition of the case. Where considered appropriate by the Commissioner, the report will be accompanied by a recommendation for referral of the case to the Department of Justice for criminal or civil proceedings. The Commissioner's report directs the closing of the case if he finds that the facts do not constitute either a wilful violation or misrepresentation, or a violation or misrepresentation caused by gross negligence of the respondent, or an unauthorized acquisition, delivery, possession, consumption, use or disposition of materials or facilities subject to ODC orders. If the Commissioner directs the closing of the case, the Compliance Officer has 10 days from the filing of the Commissioner's report within which to appeal. If the Compliance Officer does not appeal, he notifies the respondent that the case has been closed.

(9) The testimony and oral statements at the hearing are recorded and transcribed by an official court or other competent stenographer. The stenographer will attach to the transcript and sign a certificate that it and any accompanying exhibits are a complete transcript of the testimony taken and statements made at the hearing, except such

matter as was stated by the Commissioner to be "off the record," and that they include all written exhibits. The transcript and other documents constituting the record are certified to the Compliance Officer of the Office of Domestic Commerce by the Compliance Commissioner with his report.

(10) At any time after a hearing and before the issuance of a suspension order, the Commissioner who held the hearing may reopen the case for a rehearing and the admission of additional evidence, upon application made to him in writing by the respondent or by the Compliance Officer. The application must contain a condensed statement of such evidence, show that it is material, and explain why it could not be or was not introduced at the hearing.

Rehearings will not customarily be granted by a Commissioner unless it is shown that the existence of the evidence was not known to the applicant at the time of the hearing or that it could not be obtained at that time by subpoena or otherwise. If the case is reopened, the Commissioner will give prompt advice of the time, place and nature of the hearing to the respondent by registered mail and to the Compliance Officer. After a suspension order has been issued, a case may be reopened only on an appeal, as explained in § 334.13.

(11) The report of a Commissioner as to the facts found by him upon a hearing is binding upon the respondent and upon the Compliance Officer for the purpose of the administrative compliance proceedings, except on appeals as explained in § 334.13.

(12) Hearings before Commissioners are not open to the public or the press. The transcript, exhibits and report and recommendations of the Commissioner and copies thereof will not be furnished or made available for inspection to members of the public not parties to the hearing or to their representatives. Copies will be made available to respondents, or witnesses, to the extent explained in § 334.16.

SUSPENSION ORDERS

§ 334.11 *Form and effect of suspension orders.* (a) When a Commissioner recommends the taking of administrative action, his recommendations are incorporated in a proposed suspension order and submitted to the Compliance Officer. Upon approval by the Compliance Officer and the ODC counsel, the order is issued in the name of the Office of Domestic Commerce.

(b) The Compliance Officer and the ODC counsel may also review the report and jointly direct the issuance of a suspension order differing from that recommended by a Commissioner but only in that the terms of the suspension or the restrictions imposed are less severe. They may not prescribe a more restrictive order than has been recommended, although an appeal may be taken by the Compliance Officer as explained in § 334.13.

(c) Suspension orders may withdraw or withhold priorities and allocations assistance from a respondent, restrict him in the acquisition, production, use

or disposition of materials and facilities subject to ODC orders or items containing such materials, or otherwise restrict him so as to assure future compliance. Suspension orders are not ordinarily issued unless the Commissioner finds that the violations were wilful or caused by gross negligence, but where the suspension order is designed to effect a readjustment in cases where the respondent has exceeded his allowable quota or allocation of receipts, use, production or delivery of materials, or to reduce an excessive inventory, or to put a stop to violations, no finding of wilfulness or gross negligence is required.

(d) The Compliance Officer may at any time, with the approval of the ODC counsel, direct the issuance of specific exceptions or authorizations under suspension or consent orders.

§ 334.12 Effective dates of suspension orders; stays. (a) Suspension orders take effect at the end of five days after publication in the FEDERAL REGISTER. A copy of the suspension order is also served on the respondent by registered mail or personally. However, if an application for a stay of a suspension order is made in writing to the Compliance Officer, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., within such five day period, the suspension order is further stayed automatically until the expiration of five days after service of an order denying the stay. If an application for a stay is made after such five day period has expired and the suspension order has taken effect, the suspension order is not automatically stayed.

(b) Any application for a stay will be referred immediately to the Compliance Commissioner, who, in his discretion, and upon a showing of irreparable harm if the order is not stayed, may direct the issuance of an order staying the suspension order on such conditions, if any, as he may deem proper for assuring continuing compliance with orders by the respondent. Such applications will not be favorably considered by the Compliance Commissioner unless the respondent has also appealed from the suspension order, or has indicated his intention to do so and demonstrated the need for additional time in which to prepare and present his appeal, or has demonstrated the need for additional time in which to conform his operations to the requirements of the suspension order.

(c) If the Compliance Commissioner decides that the suspension order should not be stayed, he will direct the issuance of an order denying the stay. The respondent will be notified of the denial.

(d) The Compliance Officer may himself direct the issuance of an order staying a temporary suspension order.

(e) All suspension orders and all orders staying suspension orders will be issued in the name of the Office of Domestic Commerce.

(f) Suspension orders, and orders staying suspension orders, are published in the FEDERAL REGISTER. Orders denying stays are merely served on the respondent by registered mail or as otherwise provided by law. Consent orders are also published in the FEDERAL REGIS-

TER. All such published orders are customarily accompanied by a press release.

APPEALS

§ 334.13 Appeals. (a) After a Commissioner has concluded a hearing and made his report, appeals may be taken as explained below, and will be considered by the Chairman of the Appeals Board. The Appeals Board is a panel of three or more officials of the Department of Commerce appointed by the Secretary. The Board reviews and decides all appeals from suspension or consent orders taken by respondents and all appeals from recommendations of Commissioners taken by the Compliance Officer. Appeals may be made as follows:

(1) *By respondents.* Any person against whom a suspension or consent order has been issued may appeal for relief from any or all of the provisions of the order. The appeal must be made in writing; and if from a suspension order, be submitted within thirty days from the date of issuance of the order. However, the Chairman of the Appeals Board may in his discretion permit the filing of an appeal at any time during the effective period of a suspension order.

(2) *By Compliance Officer.* The Compliance Officer may appeal from an order by a Commissioner directing the closing of a case or from his recommendation for administrative action. The appeal must be made in writing and be submitted within 10 days of the time of the filing of the report of the Commissioner. However, the Chairman of the Appeals Board may in his discretion extend the time for filing an appeal.

(b) *Proceedings on appeals.* (1) The party appealing, who is referred to as the appellant, will file a signed original and three copies of the appeal with the Chairman of the Appeals Board, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C. The Chairman will transmit one copy to the other party who is referred to as the appellee.

(2) The appeal must set forth the points relied upon by the appellant, together with supporting arguments. The appeal from a suspension order may include exceptions to the Commissioner's report, or proposed different findings and conclusions, with supporting reasons. A respondent's appeal may also set forth the effect of the suspension or consent order upon the respondent's operations and any unforeseeable conditions which may have developed since its issuance and justify its mitigation. The Chairman will not consider arguments against the policy effectuated by the order or regulation charged to have been violated.

(3) Within 15 days after his receipt of a copy of an appeal, the appellee may file with the Chairman a signed original and three copies of an answer to the appeal. The Chairman will transmit one copy to the appellant. Within 5 days after receipt of a copy of an answer, the appellant may file with the Chairman a signed original and three copies of a reply. The Chairman may in his discretion require the filing of an answer or reply within a shorter period of time, or may

extend the time for filing an answer or reply.

(4) The Chairman may in his discretion, after the filing of an appeal (and answer and reply, if any), permit the appellant to appear before him and make an oral presentation of the appeal. The appellee will be notified of any such hearing and he or his representatives may attend and be heard.

(5) After a review of the record of the case in the light of the appeal, and any answer and reply, the Chairman of the Appeals Board will either deny or grant the appeal, in whole or in part, and his decision thereon is final action by the Department of Commerce. On appeal by a respondent from a suspension order, the Chairman may review the facts and make new findings of fact, although he will give due regard to the opportunity of the Commissioner to judge the credibility of witnesses and not set aside any findings of fact unless clearly erroneous. On any appeal by either party, he may direct the closing of the case, or a modification of the suspension or consent order which was recommended for issuance by the Commissioner, including, after notice to the Compliance Officer and the ODC counsel, an increase in the restrictions or the period they remain in effect. The decision of the Chairman will be followed by the issuance of such order, or the modification or revocation of the existing order, as may be required to carry out his decision. A copy of his opinion will be furnished the respondent through the Compliance Officer when a suspension or consent order is continued in effect, or when it is revoked if so directed by the Chairman.

(c) The Chairman may also at any time, after notice to the ODC counsel, revoke any suspension order, or modify it by diminishing the period of suspension or the restrictions imposed, even though no appeal from the order has been taken by the respondent.

(d) Upon an appeal, the Chairman may direct the reopening of the case before a Commissioner for the purpose of admitting additional evidence or rehearing by the Commissioner, and the submission of a further report on the case. After such rehearing, the Commissioner may amend any previous findings of fact, conclusions or recommendations previously made in the case by a Commissioner, or make new ones, and may recommend that the suspension or consent order be continued in force, modified, or revoked, and will incorporate these in his report. This report will be filed with the Chairman for consideration in his determination on the appeal. Rehearings will customarily be granted only under the conditions described in § 334.10 (b) (10).

SPECIAL HEARINGS AND INVESTIGATORY PROCEEDINGS

§ 334.14 Special proceedings. Proceedings before a Commissioner may also be held in connection with investigations of alleged violations, even though no formal charge has been made. Such hearings will not be held, however, for the purpose of permitting any party to conduct "fishing expeditions."

(a) *Special hearings at request of respondent.* A special hearing may be held at the request of any person against whom any of the following actions has been taken:

(1) When a letter or telegram has been sent to him by the Compliance Officer directing him to discontinue certain action alleged to be contrary to an order, and he waives the issuance of a charging letter and demands an immediate hearing before a Commissioner; or

(2) When a temporary suspension order has been issued against him by the ODC and he waives the issuance of a charging letter and demands an immediate hearing before a Commissioner; or

(3) When a referral has been made on behalf of ODC to a United States Attorney for criminal prosecution, and the prospective defendant requests a hearing before a Commissioner and is willing to waive immunity; but only if the holding of the hearing is approved by the counsel of ODC and the United States Attorney in charge of the case.

Application for a special hearing should be made in writing to the Compliance Commissioner, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., and should explain briefly why such a hearing should be held. He will advise the applicant whether or not such a hearing will be granted; and if the hearing is granted, the respondent and the ODC will be notified of the time, place and nature of the hearing. The charges of violation to be heard, or other issues to be determined, will be clearly and concisely stated in writing at the hearing, either by formal stipulation or in the form of a charging letter so that the respondent and the ODC will be clearly informed of the nature and scope of the hearing and so that these matters will appear in the record.

(b) *Investigatory proceedings.* In order to secure information which investigators have been unable to obtain, an investigatory proceeding may be held at the request of the Compliance Officer for the purpose of obtaining any information, verifying any report required, or making any investigation which may be found necessary or appropriate to the enforcement or administration of any order.

(c) *Procedure.* The procedure in such cases will in general follow that explained in § 334.10, to the extent applicable, but in an investigatory proceeding held at the request of the Compliance Officer, no findings of fact, conclusions or recommendations will be made by the Commissioner.

MISCELLANEOUS MATTERS

§ 334.15 *Subpoenas.* (a) In any hearing before a Commissioner at which the respondent has voluntarily appeared and upon his request, and at any investigatory proceeding upon the request of the Compliance Officer or the respondent, the Commissioner may require by subpoena issued by him in the name of the Secretary of Commerce the attendance of witnesses and the production of books, records or other documentary or physical evidence determined by the Commissioner to be of general relevance and rea-

sonable scope and otherwise properly obtainable by subpoena.

Such subpoenas will be returnable before a Commissioner. If prior to the return date specified in the subpoena, the person against whom the subpoena is issued furnishes the Commissioner or the party at whose request it is issued, a true and certified copy of the books, records or other documentary evidence called for by the subpoena, or enters into a stipulation with him as to the information contained therein, then the production of such books, records and other evidence will not be required at any place other than the place where the person against whom the subpoena is issued resides or transacts business.

(b) No person (individual, corporate or otherwise) is excused from attending and testifying or from producing books, records or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpoena, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. However, wilful violations of orders are criminal offenses, punishable by imprisonment or fine under the Second War Powers Act, 1942, as amended, or the Rubber Act of 1948 (Pub. Law 469, 80th Cong.) and the wilful concealment of any material fact or making of, or causing to be made, any false or fraudulent statement knowingly in any matter within the jurisdiction of any department or agency of the United States are criminal offenses punishable by imprisonment or fine under Title 18, U. S. Code (Crimes), section 1001, and individual witnesses at any of the hearings and other proceedings described in this document are entitled to their constitutional and statutory privileges against self-incrimination. No individual is subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled by any such subpoena to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying is not exempt from prosecution and punishment for perjury committed in so testifying.

(c) Witnesses are entitled to the same fees and mileage that are paid witnesses in the courts of the United States, such fees to be paid by the party at whose instance the testimony is taken. Respondent should tender to his witnesses the fees for one day's attendance and the mileage allowed by law when subpoenas are served on them.

§ 334.16 *Inspection and copies of record—*(a) *In investigatory proceedings.* In investigatory proceedings held at the request of the Compliance Officer as described in § 334.14 (b), a witness will customarily be permitted an inspection of the official transcript of his testimony.

(b) *In hearings.* In all hearings, Commissioners will furnish or have furnished to any person compelled to submit data or evidence, a copy of such data or a copy of the transcript of such evidence upon

payment of lawfully prescribed costs; or if such person has a copy of such data or a transcript of such evidence, the Commissioner will permit him to retain the same. The respondent may obtain a copy of the transcript at his own expense.

(c) *Commissioners' reports.* A copy of the report made by the Commissioner, referred to in § 334.10, will be furnished to the respondent by the Compliance Officer upon the issuance of a suspension order, and may be sent him at the direction of the Commissioner if he closes the case; and after an appeal decided adversely to the respondent, a copy of the opinion will be sent respondent, as explained in § 334.13 (b).

(d) *Transcript.* For the purpose of any appeal from, review or proceeding for the enforcement of a suspension order, the transcript and exhibits and Commissioner's report, and if an appeal is taken, the opinion of the Chairman of the Appeals Board, together with all papers and requests filed by either party at any stage in the proceedings, shall be parts of the record; and a suspension order will not be based upon extraneous matter.

§ 334.17 *Closing compliance cases.* Compliance cases are closed as follows:

(a) Prior to a hearing before a Commissioner a case may be closed or a warning letter may be issued to the respondent, or a consent order may be issued.

(b) After a hearing has been held in a case before a Commissioner, the case may be closed only by the direction or with the consent of the Commissioner unless an appeal is taken to the Chairman of the Appeals Board.

(c) After a case has been considered on appeal by the Chairman of the Appeals Board, the case may be closed or the terms of the suspension order modified only at his direction.

§ 334.18 *Appearances.* (a) A respondent may not be represented before the Compliance Officer any Compliance Commissioner, or the Chairman of the Appeals Board, by any person who:

(1) Is or has been at any time associated with the specific matter involved as an officer or employee of the Department of Commerce or the Civilian Production Administration; or

(2) Has been, within one year, an officer or employee of the Department of Commerce or Civilian Production Administration.

(b) Subject to the foregoing, any person compelled to appear in person, or appearing voluntarily, will be afforded the right to be accompanied, represented and advised by counsel, or by any other qualified representative, although this is not required.

§ 334.19 *Separation of functions.* In the performance of their functions described in this document, the Compliance Commissioner and Deputy Commissioners are responsible to the Secretary of Commerce, and not to the Director of the Office of Domestic Commerce, and are not subject to the supervision or direction of the latter, or of any officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Office of Domestic Commerce. The Compliance Commissioner

and the Deputy Compliance Commissioners do not consult either the respondent or the Compliance Officer on any fact in issue at their hearings, unless upon notice and opportunity for both parties to attend and participate. Neither the Compliance Officer nor his subordinates will participate or advise in any decision as to the facts or conclusions as to any fact in issue, either upon issues as to whether or not there was a violation, or whether or not a violation was wilful or the result of gross negligence, made by the Compliance Commissioner or Deputy Commissioners, or by the Chairman of the Appeals Board, upon an appeal.

§ 334.20 *Disqualification of Commissioner.* Any Commissioner may at any time withdraw if he deems himself disqualified; and, upon the filing in good faith of a timely and sufficient affidavit of personal bias or disqualification of a Commissioner, the Compliance Commissioner will determine the matter as a part of the record and decision in the case.

§ 334.21 *Criminal or civil proceedings not affected by administrative proceedings.* The issuance, non-issuance, modification, stay or revocation of a suspension or consent order, or recommendations of such actions by the Compliance Commissioner, or a Deputy Commissioner, does not preclude or affect the referral of the case to the Department of Justice for the institution of criminal or civil proceedings.

COMPLIANCE COMMISSIONERS; RULES AND PROCEDURES FOR HEARING CHARGES OF VIOLATIONS OF ODC ORDERS AND REGULATIONS; APPEALS FROM COMMISSIONERS' DECISIONS

§ 334.22 *Explanation.* Pursuant to Department Order 76, as amended, there has been established in the Office of the Secretary of Commerce the position of Compliance Commissioner for the Office of Domestic Commerce. Sections 334.23 to 334.29 provide for the performance of certain functions by the Compliance Commissioner and by Deputy Compliance Commissioners to assure compliance with orders, regulations and other administrative actions of the Office of Domestic Commerce, including those of the Office of Materials Distribution, the War Production Board and the Civilian Production Administration, the responsibility for which has been transferred to the Director of the Office of Domestic Commerce. These sections also provide for the taking and disposition of appeals from suspension orders issued after a hearing before a Compliance Commissioner, or from consent orders and for the conduct of hearings and such other matters.

§ 334.23 *Deputy Compliance Commissioners.* The Compliance Commissioner is authorized to select and to designate Deputy Compliance Commissioners to assist in performing the functions described in § 334.24 in respect to cases referred to the Compliance Commissioner by the Office of Domestic Commerce.

§ 334.24 *Functions of Commissioners.* The Compliance Commissioner and any

Deputy Compliance Commissioners designated pursuant to § 334.23 are authorized:

(a) To consider all charges of violation of orders, regulations and other administrative actions referred to them;

(b) To preside at hearings held for this purpose; to administer oaths and affirmations; to hold conferences for the settlement or simplification of the issues by consent of the parties, although not to adjust cases; to dispose of procedural requests or similar matters; to rule upon offers of proof and receive relevant evidence; to determine the facts; and to recommend appropriate administrative action including the issuance of suspension orders in proper cases; and to recommend to the counsel of the Office of Domestic Commerce referral of cases to the Department of Justice for criminal or civil proceedings;

(c) To preside at hearings and investigatory proceedings held in connection with investigations of alleged violations even though no formal charge has been made;

(d) For the purpose of obtaining any information, verifying any report required, or making any investigations concerning the violation of any order, regulation, or other administrative action, to administer oaths and affirmations and to require by subpoena issued in the name of the Secretary of Commerce by a Commissioner, the attendance of witnesses and the production of books, records, or other documentary or physical evidence considered by the Commissioner to be relevant;

(1) Subpoenas issued pursuant to this subparagraph shall be returnable before a Commissioner. If prior to the return date specified in the subpoena, the person against whom the subpoena is issued furnishes the Commissioner, or the person upon whose request the subpoena was issued, with a true and certified copy of the books, records, or other documentary evidence called for by the subpoena, or enters into a stipulation with him as to the information contained in such books, records, or other documentary evidence, then the production of such evidence shall not be required at any place other than the place where the person against whom the subpoena is issued resides or transacts business;

(2) Such subpoenas may be issued upon the request of any party to a proceeding before him and on a showing by such party that the evidence sought is of general relevance and reasonable scope, and is properly obtainable by subpoena;

(e) Commissioners are further authorized and required to furnish or have furnished to any person compelled to submit data or evidence, a copy of such data or a copy of the transcript of evidence upon payment of lawfully prescribed costs; or if such person has a copy of such data, or a transcript of such evidence, to permit him to retain the same;

(f) The reports of the Commissioners as to the facts found shall be binding upon the respondent and the Office of Domestic Commerce for the purpose of administrative compliance proceedings. On appeal by the respondent, however, the facts may be reviewed and new find-

ings of fact made, in the manner and to the extent described in § 334.26.

§ 334.25 *Proceedings before Commissioners—(a) Notice to respondent.* The hearing before the Compliance Commissioner or a Deputy Compliance Commissioner on charges of violation shall be held after reasonable notice to the person charged with the violation, who is referred to herein as the respondent, of the time, place and nature thereof, the legal authority and jurisdiction under which the hearing is to be held, and a summary statement of the charges and of the alleged facts or conduct on which the charges are based.

(b) *Conduct of hearings.* Hearings will be conducted in an impartial manner. The Commissioner shall afford the respondent and the Compliance Officer of ODC reasonable opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the procedure and the public interest permit. The burden of proof to establish the violation complained of shall be upon the Compliance Officer. The Commissioner shall not consider arguments against the policy effectuated by the order or regulation charged to have been violated. Each party shall be afforded opportunity to present his case by oral or documentary evidence and to conduct such cross-examination as may be required for a full disclosure of the facts. The Commissioner himself may also examine or cross-examine any witness. Any oral or documentary evidence relevant and material to the issues may be admitted; but irrelevant, immaterial and unduly repetitious evidence will be excluded. At the conclusion of evidence, both parties shall be given an opportunity to present oral arguments. At the close of the hearing, or within five days thereafter if request is made at the hearing, each of the parties will be permitted to submit proposed findings and conclusions with supporting reasons, although this shall not be required.

(c) *Report of findings and recommended action.* (1) The Commissioner shall proceed with all reasonable dispatch to conclude the case before him, by making findings of fact relevant to the violations charged, together with his conclusions (i) as to whether or not the facts found constituted, as charged, a violation of any order, regulation or other administrative action of the Office of Domestic Commerce or of the Director thereof, or a false or fraudulent statement or representation or concealment of a fact relevant and material to the administration or enforcement of any such administrative action, in violation of Title 18, U. S. Code (Crimes), section 1001; (2) if so, whether or not the violation was wilful, or the result of gross negligence. Any such findings and conclusions adverse to the respondent must be supported by and in accordance with reliable, probative and substantial evidence, except as to any matters which may be admitted by the respondent. The Commissioner's findings and conclusions shall be stated in a written report which he shall file with the Compliance Officer of the ODC. The report shall include a recommendation for ad-

ministrative action or other disposition of the case. Where the Commissioner considers it appropriate for the case to be referred to the Department of Justice for criminal or civil proceedings, with or without further administrative proceedings, his report shall be accompanied by a separate recommendation to the counsel of ODC for such referral.

(2) The Commissioner shall direct the closing of the case if he finds that the facts do not constitute as charged (i) either a wilful violation or misrepresentation or (ii) a violation or misrepresentation caused by gross negligence or (iii) an unauthorized acquisition, delivery, consumption, use or disposition of materials or facilities subject to ODC orders or regulations. If an appeal from such a direction to close is not taken by the Compliance Officer of the ODC within 10 days after the filing of the Commissioner's report with the ODC the case shall be closed as to the administrative proceedings, and the Compliance Officer will so notify the respondent.

(d) The testimony and oral statements at the hearing shall be recorded, transcribed and certified by a competent stenographer. This transcript with any exhibits introduced and other papers and requests filed in the proceedings before the Commissioner, shall constitute the record for decision, and shall be certified by the Commissioner and forwarded with his report to the Compliance Officer of the ODC.

§ 334.26 *Appeals.* (a) Any person against whom a suspension or consent order has been issued by the Office of Domestic Commerce, as well as the Compliance Officer, may appeal from any or all of the provisions of such order, subject to the rules prescribed for the taking of appeals in § 334.13 of this subpart.

§ 334.27 *Stays.* The Compliance Commissioner is authorized upon the application of a respondent to direct the issuance of an order staying the operation of a suspension or consent order on such conditions, if any, as he may deem proper for assuring continuing compliance with ODC orders and regulations by the respondent.

§ 334.28 *Separation of functions.* In the performance of their functions under this section, the Compliance Commissioner and Deputy Compliance Commissioners shall be responsible to the Secretary of Commerce, and not to the Director of the ODC, and shall not be subject to the supervision or direction of the latter, or of any officer, employee or agent engaged in the performance of investigative or prosecuting functions for the ODC. The Compliance Commissioner and Deputy Compliance Commissioners shall not consult with either the respondent or the Compliance Officer of the ODC on any facts in issue at their hearings, unless upon notice and opportunity for both parties to attend and participate.

Neither the Compliance Officer of ODC nor his subordinates shall participate or advise in any decision as to the facts or conclusions as to any fact in issue, made by any Compliance Commis-

sioner, or made by the Chairman of the Appeals Board upon an appeal.

§ 334.29 *Criminal or civil proceedings not affected.* No action by the Compliance Commissioner, a Deputy Commissioner, or the Chairman of the Appeals Board shall preclude or affect the referral of a case to the Department of Justice for criminal or civil proceedings; although any recommendation for such referral by a Compliance Commissioner will be given due consideration.

PART 336—OPERATION OF ALLOCATIONS AND EXPORT PRIORITIES

SUBPART—BASIC RULES AFFECTING ALLOCATIONS AND EXPORT PRIORITIES

[Allocation Regulation 1]

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336.4 Effect of revocation of orders and regulations.

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AUTHORITY: §§ 336.1 to 336.61, issued under 56 Stat. 177, as amended and extended (Pub. Laws 188 and 427, 80th Cong.); Pub. Law 469, 80th Cong. E. O. 9841, Apr. 23, 1947, 12 F. R. 2645; 3 CFR, 1947 Supp. E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

SUBPART—BASIC RULES AFFECTING ALLOCATIONS AND EXPORT PRIORITIES

[Allocation Regulation 1]

PURPOSE, SCOPE, DEFINITIONS

§ 336.1 *Purpose and scope of this subpart; definitions.* This subpart states the basic rules of the Office of Domestic Commerce, Department of Commerce, which apply to business transactions affected by its regulations or orders, unless the transactions are covered by more specific ODC regulations or orders which are inconsistent with this subpart.

The following definitions apply for purposes of this subpart and any other regulation or order of the ODC unless otherwise indicated.

(a) "ODC" means the Office of Domestic Commerce, Department of Commerce, and, where appropriate, its predecessors, the Office of Materials Distribution (Department of Commerce), the Civilian Production Administration (Office of Temporary Controls), the War Production Board, and the Office of Production Management.

(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(c) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(d) "Allocations assistance" means any authorization by the ODC under a regulation or other document issued by it to obtain materials or facilities. The term includes but is not limited to authorizations for the use of export preference certificates on orders entitled to priority for export purposes, as well as certificates required to obtain materials but not entitled to priority.

USE OF CERTIFICATIONS

§ 336.2 *Certifications on purchase orders and other documents*—(a) *How to use a certificate on a purchase order.* When a person uses a certificate required or permitted under any ODC order, regulation or direction he must place it on the purchase or delivery order which is being certified, or on a separate piece of paper either attached to the purchase order or clearly identifying it. A signature on the purchase order shall apply to the certificate on an attached or unattached piece of paper only where the words above the signature clearly make it include the certificate.

The certificate must be executed by the signature of the person placing the order, or of a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature; however, if a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it by the person whose signature it is, and a written record of the authorization must be kept.

When a purchase order is placed by telegram and the certificate is used, the certificate must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation.

(b) *Signature on other documents.* The above rules for signing certificates on purchase orders also apply to the signature on reports, applications for authorizations to use a certificate, and other documents that are required to be filed under orders and regulations of the ODC.

(c) *Responsibility for truth of certification.* The person who places the certified order or makes the application, report or other document, the individual whose signature is used, and the individual who approves the use of the signature shall each be considered to be making a representation to the ODC that the statements contained in the

certificate or other document are true to the best of his knowledge and belief.

The person receiving the certification and other information required to be included with it shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

EFFECT OF ODC ORDER ACTIONS

§ 336.3 *Effect of other regulations and orders.* A limited number of materials are subject to control under orders of the ODC, usually referred to as allocation orders, directions and supplements as published in the FEDERAL REGISTER, and in some instances allocations are made under them. Also, in exceptional cases, the ODC may issue specific directives or directions by letter or telegram to named persons for the delivery of those or other materials or the use of facilities. Such published rules, specific allocations made under them, and specific directives or directions for the delivery of materials or the use of facilities must be complied with regardless of export preference certificates unless otherwise specified.

§ 336.4 *Effect of revocation of orders and regulations.* (a) When an order or regulation of the ODC is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) Whenever an order or regulation of the ODC is revoked, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the ODC remain in effect after revocation of such orders and regulations, unless otherwise provided. Any person subject to a suspension order or consent order which he believes should be lifted or modified because of the lifting of the restriction on which the violation was based, should address a request for relief to the Compliance Officer, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C.

GENERAL RESTRICTIONS ON MATERIALS

§ 336.5 *Use or disposition of material acquired with allocations assistance.*

(a) Any person who gets material with allocations assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a certificate, allocation, specific direction, or any other official written action of the ODC. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) of this section must be observed: (1) When a material, or a product into which

it has been incorporated, can no longer be used for the purpose for which the assistance was given (for example, when the assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or order is cancelled); (2) When the material was obtained by means of any order, regulation, allocation, specific direction or other action of the ODC which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the ODC.

(b) The holder of a material or product subject to paragraph (a) (1) or (2) of this section may sell it as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the ODC, or he may use it himself in any manner or for any purpose as long as he complies with such requirements. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

§ 336.6 *Intra-company deliveries.* When any rule, regulation or order of the ODC prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

SCOPE OF ODC ORDER ACTIONS

§ 336.7 *Scope of regulations and orders.* All regulations and orders of the ODC (including directions, directives and other instructions) apply to all subsequent transaction even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of ODC orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the National Military Establishment outside the 48 states and the District of Columbia, unless otherwise specifically provided. Exports and deliveries of material to be exported may be made regardless of any ODC order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

EXCULPATORY PROVISION

§ 336.8 *Defense against claims for damages.* As provided in title III of the Second War Powers Act, as amended and

extended, no person shall be held liable for damages or penalties for any default under any contract or order where the default results directly or indirectly from compliance with any rule, regulation or order of the ODC, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

RESTRICTIONS

§ 336.9 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under applicable ODC orders or regulations.

§ 336.10 *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any ODC order or regulation.

RECORDS AND REPORTS

§ 336.11 *Records.* Each person participating in any transaction to which any rule, regulation or order of the ODC applies shall keep and preserve accurate and complete records of the details of each such transaction and of his inventories of the material involved for a period of at least two years from the date of each transaction. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 336.12 *Audit and inspection.* All records required to be kept by this subpart or by any ODC rule, regulation or order shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 336.13 *Reports.* (a) Every person shall execute and file with the ODC such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(b) *Reports under ODC orders and regulations.* (1) If a published regulation or order of the ODC requires the filing of a report by a specified class of persons you must file the report in accordance with any applicable instructions if you belong to that class. The instructions may be in the regulation or order itself or on a form or separate instruction sheet.

(2) When a published regulation or order requiring you to file any reports is revoked, you do not need to file any more reports due after that date unless they are required by another published regulation or order or unless you are notified to continue to file them in accordance with the rules stated in paragraph (c) of this section. This does not, however, excuse you from filing any reports due before the regulation or order was revoked.

(c) *Reports not specified in an order or regulation.* The ODC may need information which is not required under a specific regulation or order. In such cases you must file reports when you receive or have received a written notice to do so in one of the following ways:

(1) A letter or other written instrument specifically addressed to you issued over the signature of the Director of the ODC, or in the name of the ODC, countersigned or attested by the Issuance Officer.

(2) A report form or instruction sheet with an official form number in the "ODC" series bearing your name or enclosed in an envelope specifically addressed to you.

Approval of the Bureau of the Budget will be indicated on the notice or on a report form or instruction sheet referred to in the notice.

VIOLATIONS

§ 336.14 *Violations.* Any person who violates any provision of this subpart or any other rule, regulation or order of the ODC, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the ODC, and any person who obtains a delivery, an allocation of material or facilities, or an authorization to use a certificate by means of a material and wilful, false or misleading statement, may be prohibited by the ODC from making or obtaining further deliveries of material or using facilities under allocation control and may be deprived of further allocations assistance. The ODC may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Title 18, U. S. Code (Crimes), section 1001, or under other applicable statutes.

APPEALS

§ 336.15 *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or another with a rule or regulation or order of the ODC would work an exceptional and unreasonable hardship upon him which is not suffered generally by others in the same industry or activity or would result in improper discrimination against him may appeal for relief. Unless otherwise specified in the rule, regulation or order involved, appeals should be made by letter, signed by appellant (or a duly authorized official of appellant's company). (Allocation Regulation 3, §§ 336.51 to 336.61, explains what such a person may do if he is dissatisfied with the decision on his initial appeal for relief.)

NOTIFYING CUSTOMERS OF RESTRICTIONS

§ 336.16 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any ODC rule, regulation or order shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

TRANSFERS OF QUOTAS, ETC.

§ 336.17 *Transfers of quotas; transfers of a business as a going concern.* (a) This section explains when quotas and other rights under the allocations system may be transferred from one person to another and states the rules af-

fecting transfer of a business as a going concern.

(b) *Specific provisions in orders or regulations govern.* This section does not apply in any case where an applicable order or regulation provides a different rule.

(c) *What is meant by "quota."* As used in this subpart "quota" means a quantitative limit which is placed on the production or delivery of items, or on the acquisition or use of material, by an order or regulation of the ODC. Most quotas are in the form of a specified percentage of production or use during a previous base period or in the form of a specified number of items which may be produced.

(d) *Quota applies to actual manufacturer.* Where a manufacturer does not sell his product in his own name, but makes it for another person under whose name it is sold, and an ODC order or regulation imposes a quota on manufacturers of the product, that quota applies to the person who actually makes the product rather than to the one under whose name it is sold.

(e) *Distribution of quota where quota holder has several establishments.* Where the holder of a quota has several establishments, he may distribute his quota among them, and change the distribution in any way he wishes unless the quota was acquired on a transfer of a going business as explained in paragraph (h) (1) of this section.

(f) *Transfer of quotas forbidden in most cases.* No quotas may be transferred from one person to another under any circumstances, except in connection with the transfer of a business as a going concern as explained in paragraph (h) (1) of this section or with the express permission of the ODC. Permission to transfer quotas may be expressly given in an order or regulation or on appeal as explained in paragraph (i) of this section.

(g) *Transfers of specific authorizations forbidden.* No person may transfer to another any right granted by specific ODC authorization except where this is part of a transfer of a going business as explained in paragraph (h) (1) of this section.

(h) *Transfer of business as a going concern.* (1) Whenever an entire business is transferred as a going concern to a new owner who continues to operate substantially the same business in the same establishment, using substantially the same trade-mark or trade-name, if any, all rights and obligations under ODC orders and regulations which applied to the business before the transfer continue applicable after the transfer. The business under the new ownership has the same quotas, specific authorizations and other rights and duties created by ODC orders and regulations as it had under the old ownership. However, the new owner may not continue to exercise any such rights if he discontinues operation of the business he acquired or operates it as a substantially different business or in another establishment, or if he uses a substantially different trade-mark or trade-name. He may not, at any time, use any quota of the trans-

ferred business for any other part of his business.

(2) If, on dissolution of a firm, the entire business is not transferred as a going concern to a single successor, but is divided up in any way, application must be made to the ODC for a determination of quotas and other rights and duties under ODC orders and regulations.

(3) An ODC order or regulation which places any restriction on the transfer of any particular material or product does not apply to a transfer which is part of a transfer of the ownership of an entire business as a going concern, and ODC approval need not be obtained for any such transfer.

(i) *Permission in exceptional cases on appeal.* In any case where the above rules work an exceptional hardship, specific permission may be given on appeal for the transfer of a quota, or a specific authorization or for other exceptions from the rules. An appeal for the transfer of a quota should be filed as an appeal from the order imposing the quota by the person who wishes it transferred to him. If the person from whom it is to be transferred agrees to the transfer, he should join in the appeal. Permission will not generally be granted for the purchase or sale of a quota for any consideration in any case where the principal purpose of the transaction is merely to transfer the quota.

GENERAL RESTRICTIONS ON USE OF AUTHORIZATIONS

§ 336.18 *Quantities and kinds of materials or services obtainable with allocations assistance.* When allocations assistance is granted by the ODC, the person authorized may use it to get only that quantity and kind of material or that particular service specified in the authorization or other document issued by ODC. If the quantities of material are not stated in the ODC authorization or other document, it may be used only to get the minimum amount needed. No person may place such authorized orders for more material than he is authorized, even if he intends to cancel some of the orders or to reduce the quantity of material ordered to the authorized amount before it is all delivered. The only cases in which a certified order may be used to get services, as distinct from the production or delivery of material, are when ODC authorizes a named person to use the certificate to get specified services, or when a person authorized to use a certificate on a certified order to get processed material furnishes the unprocessed material to a processor and uses the certificate to get it processed.

FORM OF OFFICIAL ACTIONS

§ 336.19 *ODC official signature.* All actions taken in performance of the functions or in exercise of the powers, authorities, and discretion now or hereafter vested in the Director of the ODC may be taken by the Director of the ODC, or in the name of the ODC countersigned or attested by the Issuance Officer of the ODC.

§ 336.20 *Official interpretations—(a) Classes of official interpretations.* There are two classes of official interpretations

of ODC rules, regulations, orders, and other actions—"published interpretations" and "unpublished interpretations."

By "published interpretation" is meant an official interpretation which has been published in the FEDERAL REGISTER. In the usual case, interpretations will be so published only when the interpretation is of wide general interest. By "unpublished interpretation" is meant any other interpretation issued pursuant to this regulation. Unpublished interpretations are issued to one or more individuals and interpret a regulation or order with respect to individual transactions or operations not believed to be of general interest. They are not published in the FEDERAL REGISTER.

(b) *Authority to issue interpretations.*

(1) Published interpretations are issued only over the official signature of the ODC as provided for in § 336.19. (2) Unpublished interpretations are issued only (i) in the same form as published interpretations, or (ii) over the name of the general counsel of the ODC or in the name of the Solicitor, Department of Commerce.

(c) *Effect of interpretations.* (1) A published interpretation shall have the same force and effect as the regulation or order interpreted, regardless of whether a particular individual has actual knowledge of the published interpretation. (2) An unpublished interpretation shall be binding only upon persons having actual knowledge thereof. (3) In the event of conflict between a published and an unpublished interpretation the published interpretation shall prevail. (4) No interpretation shall be deemed to be official or binding upon the ODC unless issued in accordance with this subpart.

SUBPART—EXPORT PRIORITIES

[Allocation Regulation 2]

GENERAL

§ 336.31 *Purpose.* This subpart sets forth the very limited scope of export priorities assistance which will be granted by the Office of Domestic Commerce, Department of Commerce under existing legislation. Such assistance, when granted, will usually be in the form of authorizations issued by ODC to place orders with certificates entitling the orders to preference.

The issuance of authorization to place certified export orders will in general be limited to assisting the procurement in this country of the minimum quantities of materials required to maintain or expand the production in foreign countries of materials critically needed in this country, and other cases where the export is of high public importance and essential to the successful carrying out of the foreign policy of the United States.

For the purpose of this subpart "certified order" or "certified export order" means a purchase or delivery order which is certified by the purchaser by use of the standard form of export preference certificate described in § 336.37 (f), or by use of any other certificate authorized and entitled to preference under another ODC order, regulation or direction for export purposes.

CRITERIA FOR AUTHORIZATION

§ 336.32 *Cases when certified orders may be authorized.* (a) If all the conditions of paragraph (b) of this section are met, authorizations to place orders with an export preference certificate may be granted to permit the placing and filling of certified orders for procurement in this country of the minimum quantities of materials under the circumstances described below:

(1) Where required to expand or maintain the production in foreign countries of materials critically needed in the United States; but only if it is found by ODC that the proposed action will not have an unduly adverse effect on the domestic economy of the United States;

(2) Where the Secretary of State has certified that the prompt export of materials is of high public importance and essential to the successful carrying out of the foreign policy of the United States, but only if the Secretary of Commerce has satisfied himself that the proposed action will not have an unduly adverse effect on the domestic economy of the United States.

(b) When effective assistance of other kinds is not practicable (ODC may locate sources able to ship without preferential aid), an authorization to use an export preference certificate may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (a) of this section, upon determination in each instance that all the following conditions are met:

(1) The use of substitute and less scarce materials is not practicable;

(2) Reasonable efforts have been made to get the required item without assistance; and

(3) Priority assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material already acquired and material available without assistance.

APPLICATIONS FOR AUTHORIZATION

§ 336.33 *How to apply for an authorization to use an export preference certificate.* Application for an ODC authorization to use an export preference certificate for all destinations except Canada should be made by letter in quadruplicate, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref. AR-2. An application to the Office of International Trade for an export license for the materials must also be made, unless such a license is not required or unless a license has already been issued, as the ODC will not authorize the use of an export preference certificate unless any necessary export license has been obtained. Application for such a certificate for Canadian destinations should be made directly to the Office of Domestic Commerce, Department of Commerce, Washington 20, D. C., Ref. AR-2, also by letter in quadruplicate. Such applications should give the following information:

(a) Exact nature of applicant's business, i. e., manufacturing farm equipment, steel mill, etc.

(b) Exact description of the item for which assistance is required, stating (1) for materials the kind, quality and unit of measure or (2) for equipment, the make, model, size, type, capacity, etc.

(c) The country of export destination, and the exact use to be made in that country of the item to be exported.

(d) Name of supplier and his present delivery promises, and his reasons for not promising satisfactory delivery dates. (Give the number and date of your purchase order.)

(e) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(f) A full statement of the importance of making the export at this time from the standpoint of the interests of the United States.

§ 336.34 How applications are granted. If the application is granted, ODC will issue a written authorization to the applicant authorizing him to use an export preference certificate. He may then use the certificate described in § 336.37 (f).

ACCEPTANCE OF CERTIFIED ORDERS

§ 336.35 Rules for acceptance and rejection of certified orders. Every certified order must be accepted and filled regardless of existing contracts and orders except in the following cases:

(a) A person must not accept a certified order for delivery on a date which would interfere with delivery on other certified orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the ODC has directed him to fill for that material or for a product which he makes out of it.

(b) A person must not accept a certified order for delivery on a date which can be met only by using material which was specifically produced for delivery on another certified order, and which is completed or is in production and scheduled for completion within 15 days.

(c) If a person, when receiving a certified order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer.

(d) A certified order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against certified orders, or between certified orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment (when a person authorized to place a certified order asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on the certified order, the supplier must do so. However, if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not

binding. The supplier need not quote if he is not required to accept the certified order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of certified orders received by him after making the quotation and before he receives the firm order from the person making the inquiry).

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years. If he has, but the certified order would take more than the excess over his own needs, he may not reject the certified order unless filling it would interfere with other certified orders already on hand, or orders which the ODC has directed him to fill, for the material or for a product which he makes out of it.

(4) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(e) Any person who fails or refuses to accept an order bearing a certificate provided for under this subpart, shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(f) Some ODC orders, regulations, or directions provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this subpart are inapplicable to the extent that they are inconsistent with the applicable ODC order, regulation, or direction. In addition, the ODC may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this section, except that he may insist upon compliance with regularly established prices and terms of payment.

(g) *Certificates not effective for Government-owned surplus property.* The above rules in this section for the acceptance and rejection of certified orders, and in § 336.38 for the sequence of filling certified orders, do not apply to sales of surplus material by Government agencies. The certificates on certified orders have no effect either by way of obliging a Government agency to sell surplus property or by way of determining as among several buyers who shall get the surplus property.

§ 336.36 Report to ODC of improperly rejected orders. When a certified order is rejected in violation of this subpart, the person who wants to place it may

file a report of the relevant facts with the ODC which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

PLACING CERTIFIED ORDERS

§ 336.37 Descriptive of certificates and how they are used—(a) How authorized. The standard export preference certificate provided for under this subpart is described in paragraph (f) of this section. Other ODC orders, regulations, or directions may also permit the use of other special forms of certificates entitled to preference, such as that for the use of the symbol CXS on certain orders for tinplate, described in Direction 1 to this subpart. The standard certificate described below and certificates entitled to preference under any other ODC order, regulation, or direction are of equal value and precedence. Authorizations to use the standard export preference certificate will be issued under the conditions described in this regulation. The use of other certificates will be authorized under the conditions stated in the ODC order, regulation, or direction under which they are issued, which may provide that they shall be treated as export preference certificates.

(b) *Materials or facilities obtainable with certificates.* A person authorized to use a certified order may use the certificates only to get the quantities and kinds of materials or services authorized, as provided in § 336.18.

(c) *How to use a certificate.* The certificate with a certified order must be filled in, signed and delivered to the supplier in, accordance with the rules stated in Allocation Regulation 1 (§§ 336.1 to 336.20), and with any special rules which may be stated in any other ODC order or direction permitting the use of any special form of certificate other than the standard export preference certificate.

(d) *Certificates not extendible.* A person receiving a certified order may not extend the certificate to any of his suppliers. If he is unable to fill the certified order without using a certificate to get some of the materials which he will need for that purpose, he may apply to ODC for an authorization to use a certificate for that purpose in accordance with this regulation.

(e) *Time limit on certificate.* An authorization to use an export preference certificate, or other certificate permitted under another ODC order, regulation, or direction for export purposes and entitled to preference, expires if not used on an order accepted by a supplier within 6 months of the date the use of the certificate was authorized, unless an earlier expiration date is provided. (However, a certified order is valid until it is filled, if it is accepted by a supplier within the time limit provided by this section.) If the holder of an authorization to use an export preference certificate has been unable to use it before its expiration, he may apply to ODC for renewal. Furthermore, the certificate may not be used, even though the time limit stated above has not lapsed, if the purpose for which use of the certificate was authorized no longer exists.

(f) *Form of standard export preference certificate.* The standard export preference certificate must be in substantially the following form:

EXPORT PREFERENCE CERTIFICATE

The undersigned certifies to the seller and to the ODC, subject to the criminal penalties of Title 18, U. S. Code (Crimes), section 1001, that he is authorized to use this certificate for the materials described, in accordance with ODC Allocation Regulation 2. My authorization number is ____ (Insert the ODC authorization number).

(g) *Report to ODC of improper delay of orders.* When delivery or performance of a certified order is unreasonably or improperly delayed, the customer may file a report of the relevant facts with the ODC, which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

FILLING CERTIFIED ORDERS

§ 336.38 *Sequence of filling certified orders.* (a) Every person who has certified orders on hand must schedule his operations, if possible, so as to fill each certified order by the required delivery or performance date (determined as explained in § 338.39. If this is not possible for any reason, he must give precedence to all certified over uncertified orders.

(b) As between conflicting certified orders, precedence must be given to the order which was received first with the certificate. As between conflicting certified orders received on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(c) If a certified order or the certificate applicable to an order is cancelled when the supplier has materials in production to fill it, he need not immediately stop to put other certified orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any certified order on hand. He may not, however, delay putting other certified orders into production for more than 15 days.

§ 336.39 *Delivery or performance dates.* (a) Every certified order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an uncertified order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to § 338.38, shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either

(1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(c) If, after accepting a certified order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, for any reason, he must promptly notify the customer, telling him approximately when he expected to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

MISCELLANEOUS PROVISIONS

§ 336.40 *Appeals.* Any person who considers that compliance by himself or another with this subpart would work an exceptional and unreasonable hardship on him not suffered by others similarly situated or, would result in improper discrimination against him, may appeal to the ODC for relief, as provided in §§ 336.51-336.61 (Allocation Regulation 3).

SUBPART—USE AND EFFECT OF SYMBOL CXS ON CERTAIN EXPORT ORDERS FOR TIN PLATE

[Allocation Regulation 2, Direction 1]

§ 336.43 *What this subpart covers.* This subpart explains how certain exporters who have been authorized by the Office of International Trade, Department of Commerce, to use the symbol CXS (Certified Export Steel) on purchase orders for limited quantities of tin plate should furnish that information to steel producers. Such orders when properly certified are to be treated as certified export orders under Allocation Regulation 2 (§§ 336.31 to 336.40). The Office of Domestic Commerce may also establish space reservations on steel producers' schedules for the benefit of these export orders.

(a) *Identification of certified export orders.* Any person who has been authorized in writing by the Office of International Trade, Department of Commerce, to use the symbol CXS on purchase orders for limited quantities of tin plate should, in addition to marking his purchase order with the symbol, specify the period in which shipment has been designated, and furnish the steel producer with a certificate, signed manually or as described in Allocation Regulation 1, in substantially the following form:

I certify, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin plate covered by this purchase order is within the quantity which I have been authorized by the Office of International Trade, Department of Commerce, to purchase by orders identified with the symbol CXS.

(b) *Requests for authorization to use the symbol CXS.* All requests for au-

thorization to use the symbol CXS should be addressed to the Steel Section, Office of International Trade, Department of Commerce, Washington 25, D. C. Ref.: AR2, Direction 1.

(c) *Certified orders entitled to preference.* Unless the ODC directs otherwise, any purchase order certified under this subpart must be treated as a certified export order under Allocation Regulation 2 (§§ 336.31 to 336.40) and be accepted, scheduled, and delivered accordingly. The rules of Allocation Regulation 2 (§§ 336.31 to 336.40) will apply, except to the extent that this subpart is inconsistent with them. Tin plate obtained on certified orders must be used in accordance with § 336.5

(d) *Refusal of certified orders.* (1) CXS orders may only be placed with steel producers for mill shipments. They may not be placed with distributors for shipment from warehouses.

(2) Steel producers need not accept a CXS certification on a previously accepted purchase order, or a new purchase order, which was received less than 45 days before the beginning of the month in which delivery is requested.

(e) *Other distribution of steel for export.* The provisions of this direction do not restrict acceptance, scheduling or shipment of noncertified orders for export, if this does not interfere with shipments of certified orders.

(f) *Delegation to OIT.* The Office of International Trade, Department of Commerce, may authorize the use of the symbol CXS under this subpart on purchase orders for tin plate, but only to the extent and under the conditions authorized by the Office of Domestic Commerce in writing and transmitted to the Office of International Trade. The Office of International Trade may exercise this authority through such of its officials as the director of that Office may determine.

SUBPART—SPECIAL RULES FOR PLACING AND SCHEDULING CERTIFIED ORDERS FOR STEEL, COPPER, AND ALUMINUM

[Allocation Regulation 2, Direction 2]

§ 336.45 *What this subpart covers.* This subpart explains some special rules for placing, accepting, and scheduling certified orders for steel, copper and aluminum. These rules supersede some of the provisions of Allocation Regulation 2 (§§ 336.31 to 336.40) concerning the ordinary use of certificates, but only those rules of Allocation Regulation 2 (§§ 336.31 to 336.40) which are contradictory to this direction are superseded, and all other rules in that regulation continue to apply.

(a) *Required delivery dates.* A certified order for steel, copper or aluminum in the forms listed below must specify delivery on a particular date or a particular month, which in no case may be earlier than required by the person placing the order. A producer of steel, copper or aluminum must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable in view of the need for maximum production.

(b) *Rejection of certified orders.* A producer of steel, copper or aluminum in the forms listed below need not accept a

certified order which is received less than 30 days (45 days in the case of tin plate) prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the Office of Domestic Commerce.

(c) *Forms of steel, copper and aluminum to which this subpart applies.* This subpart applies to the following forms of steel, copper, and aluminum:

Carbon and alloy iron and steel (including stainless steel).

Bars, cold finished.

Bars, hot rolled or forged.

Ingot, billets, blooms, slabs, die blocks, tube rounds, sheet and tin bar, and skelp.

Pipe, including threaded couplings of the type normally supplied on threaded pipe by pipe mills.

Plates.

Rail and track accessories.

Sheet and strip.

Castings (rough as cast).

Structural shapes and piling.

Tin plate, terne plate and tin mill black plate.

Tubing.

Wheels, tires and axles.

Wire rods, wire and wire products.

Forgings (rough as forged).

Copper and copper base alloy products:

Alloy sheet, strip and plate.

Alloy rods, bars and wire.

Alloy seamless tube and pipe.

Plate, sheet and strip.

Rods, bars and wire.

Tube and pipe.

Wire and cable.

Castings (before machining).

Aluminum products:

Rod and bar.

Wire (under $\frac{3}{8}$ ").

Cable (electrical transmission only).

Rivets.

Forgings and pressings (before machining).

Impact extrusions.

Castings.

Rolled structural shapes (angles, channels, zees, tees, etc.).

Extruded shapes.

Sheet, strip and plate.

Slugs.

Foil.

Tubing.

Tube blooms.

Powder (including atomized, granular, flake, paste, and pigment).

Ingot, pig, billets, slabs, etc.

SUBPART—APPEALS FROM ODC ORDERS AND REGULATIONS

[Allocation Regulation 3]

PURPOSE

§ 336.51 *What this subpart covers.* This subpart explains the "review-appeals" procedure of the Office of Domestic Commerce and the operations of the Appeals Board. It does not apply to appeals from suspension orders issued in connection with compliance proceedings.

DEFINITIONS

§ 336.52 *What a review-appeal is.* Various ODC orders and regulations provide for (a) appeals for individual relief from their restrictions or (b) from ODC action on applications for individual authorizations, allocations, and other types of assistance. (In this subpart, such appeals and applications are referred to as "initial submissions".) An initial submission is generally granted or denied on the decision of the ODC official administering the particular order or regulation. A "review-appeal" is

the procedure by which an applicant can request the ODC Appeals Board to review such a decision upon the ground that it would:

(1) Work an exceptional and unreasonable hardship on him which is not suffered generally by others in the same industry or activity; or

(2) Result in improper discrimination against him.

§ 336.53 *What the Appeals Board is.* The Appeals Board is composed of a panel of three or more officials of the Department of Commerce appointed by the Secretary of Commerce. It acts as the final authority in the Department of Commerce in considering review-appeals. It may also decide any initial appeal received by the official administering the order or regulation under which the appeal was filed and, in his discretion, referred by him to the Appeals Board. The Appeals Board will not normally consider any case which does not involve claims of hardship or discrimination, as specified in § 336.52. It is not its ordinary function to review actions involving judgment as to the proper distribution of materials, programming of different types of production, and their relative essentiality. The policy underlying an ODC order or regulation may not be brought into question before the Appeals Board.

SUBMISSION OF REVIEW-APPEALS

§ 336.54 *When a review-appeal may be made.* When a person is dissatisfied with the decision on his initial submission he may file a review-appeal to the Appeals Board under the following conditions:

(a) If he feels that the decision was improper upon the basis of the hardship or discrimination grounds specified in § 336.52; and

(b) If he has no new and substantial facts to submit for reconsideration by the official who made the original decision (or his representative) or has submitted such facts and failed to obtain a satisfactory decision on such reconsideration. (If he does have new and substantial facts to submit, he should not file a review-appeal to the Appeals Board but should, instead, first resubmit his case for reconsideration upon the basis of those facts. Then, if such reconsideration does not result in a satisfactory decision, he may file a review-appeal on the grounds mentioned in § 336.54 (a).)

§ 336.55 *How to prepare and file review-appeals.* An appellant should file his review-appeal by letter in triplicate addressed as follows: Appeals Board, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C.

The letter must specifically state that it is a review-appeal and must be signed by the appellant (or by a duly authorized official of appellant's concern). It should specify the order or regulation involved, the particular provision involved, the decision appealed from, and any form or case number involved. It should clearly set out the grounds for claiming hardship or discrimination, as specified in § 336.52. A review-appeal not properly prepared or filed may be returned to the appellant without action.

GRANTS AND DENIALS

§ 336.56 *Basis for grant or denial.* If the Appeals Board finds that an appellant has demonstrated hardship or improper discrimination as specified in § 336.52, appropriate relief will be granted. However, if the Appeals Board finds that he has failed to demonstrate either, his appeal will be denied.

§ 336.57 *Form of grant or denial.* The grant or denial of any appeal, in whole or in part, will be valid only when issued in writing in the name of the Office of Domestic Commerce, countersigned or attested by the Issuance Officer. Where the decision on an appeal is made by the Appeals Board, that fact will be stated in the grant or denial by a phrase such as "on the decision of the Appeals Board."

§ 336.58 *Finality of denial.* The denial of any appeal, in whole or in part, on the decision of the Appeals Board represents final action by the Department of Commerce. The Appeals Board may elect to reopen a case, but will not ordinarily do so unless the appellant offers new and substantial information in addition to that previously supplied.

APPEALS BOARD PROCEDURES

§ 336.59 *Policies of the Appeals Board.* (a) Owing to changing conditions, the Appeals Board cannot always follow "precedents" established in earlier cases. It is the policy of the Board, however, to follow previous decisions so long as to do so is consistent with existing ODC policies.

(b) Whether a hardship is exceptional and unreasonable or whether there has been improper discrimination is often a question of degree. The Board weighs carefully the facts in each case in the light of similar hardships falling upon others similarly situated. The Board may consider hardships upon the appellant, the appellant's employees, the local community, or particular consumers. It considers only evidence which is relevant and material to the issues.

§ 336.60 *Hearings by the Appeals Board.* In its discretion, the Appeals Board may hold a hearing on any review-appeal, either upon its own initiative or upon request by the appellant even though the appellant has not made an initial submission to the official administering the order or regulation in question. The appellant's case is not prejudiced by the fact that he does not request a hearing. If a hearing is to be held, the Appeals Board will fix the date and time after consulting with the appellant. Hearings are held only in Washington, D. C., at the offices of ODC.

§ 336.61 *Presentation of case at a hearing.* The Appeals Board is not a judicial body. Its proceedings are not limited by the rules of evidence and procedure applicable in a court of law. Hearings before the Board are informal. An appellant may present his case in his own way. He does not have to be represented by counsel, but may be if he desires. If he is represented by counsel, but does not accompany counsel at the hearing, the appellant must notify the Appeals Board in writing that he has authorized counsel

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to represent him at the hearing and has supplied counsel with the information necessary for presenting appellant's case. Ordinarily, the oath is not administered to witnesses. Nevertheless, any misrepresentation of fact, or any withholding of fact, is punishable under the federal statutes. The obligation is just as serious as if the oath were administered. The following comments may be of help to an appellant:

(a) It is well to open a case with a short statement of the issues involved and the facts relied on to show hardship or discrimination, as specified in § 336.52.

(b) The appellant should then develop the issues in greater detail, so as to give the Board a clear understanding of the supporting facts.

(c) All statements intended to bear upon the Board's decision should, so far as possible, be supported by proof or exhibits.

(d) It is often convenient, although not necessary, to provide the members of the Board with individual copies of a written statement of statistical and other pertinent data offered in support of the appeal.

(e) Where an appeal involves highly technical facts, the appellant should be prepared to present expert witnesses or technical reports if he is not qualified to discuss such facts himself.

(f) Following the appellant's statement, the official who previously considered the case (or his representative) is heard, if he wishes to make any statement. Members of the Board then usually ask questions relating to the issues involved, as they are entitled to do at any point in the proceedings.

(g) Any other persons claiming an interest in an appeal may then, in the discretion of the Appeals Board, be given an opportunity to be heard. This may include the appellant's customers, competitors, or representatives of various government agencies.

(h) The appellant, before the hearing is closed, is then given an opportunity to answer such comments as have been made.

(i) Hearings are expected to take not more than one hour but additional time may be granted in exceptional circumstances.

(j) A verbatim transcript of the hearings is ordinarily not taken. However, a summary of the testimony is usually made, and becomes a part of the record. A copy of that summary will be supplied the appellant on request.

PART 338—ALLOCATION ORDERS

SUBPART—TIN

[Allocation Order M-43]

PURPOSE

- Sec.
338.1 What this subpart does.
- DELIVERIES OF PIG TIN
- 338.2 Restriction on deliveries of pig tin.
338.3 Allocations of pig tin.
338.4 Reports on use, disposition and inventories of pig tin.
- USE OF TIN IN MANUFACTURE
- 338.5 General restrictions on the use of pig tin, secondary tin, tin plate,terne plate, solder, babbitt and other tin-bearing materials.

- Sec.
338.6 Special restrictions on the use of metals to which pig tin has been added.

IMPLEMENTS OF WAR

- 338.7 Exemption for implements of war.

USE AND SALE OF ARTICLES CONTAINING TIN

- 338.8 General restrictions on the use and sale of tin-bearing products.
338.9 Special restrictions on purchases and sales of certain articles containing tin.

INVENTORIES

- 338.10 Limitation on inventories.

IMPORTS

- 338.11 Import restrictions.

EXPORTS

- 338.12 Export certificates.

MISCELLANEOUS

- 338.13 Appeals and communications.
338.14 Violations.

SCHEDULES

- 338.20 Permitted uses.
338.21 Schedule I; miscellaneous.
338.22 Schedule II; solders.
338.23 Schedule III; babbitt.
338.24 Schedule IV; brass and bronze.
338.25 Schedule V; tin plate,terne plate, andterne metal.

SUBPART—CANS

[Allocation Order M-81]

PURPOSE

- 338.31 What this subpart does.

DEFINITIONS

- 338.32 Definitions.

RESTRICTIONS ON CAN MANUFACTURERS

- 338.33 General restrictions on sale, manufacture and delivery.
338.34 Completion and sale of outdated cans.

RESTRICTIONS ON CAN USERS

- 338.35 General restrictions on use of cans.
338.36 Exceptions.

MISCELLANEOUS PROVISIONS

- 338.37 Appeals.
338.38 Communications.
338.39 Violations.

SCHEDULES

- 338.45 Schedule I; can specifications.
338.46 Schedule II; quota restrictions.

SUBPART—ANTIMONY

[Allocation Order M-112]

DEFINITIONS

- 338.51 Definitions.

RESTRICTIONS

- 338.52 Accepting delivery.
338.53 Shipments to Canada.
338.54 Exports to other countries.
338.55 Directions.

APPLICATIONS FOR AUTHORIZATION

- 338.56 Form ODC-2931 applications.
338.57 Requests for delivery from RFC.

REPORT

- 338.58 Reports on inventory, use and shipments.

INVENTORY

- 338.59 Inventory restrictions.

MISCELLANEOUS

- 338.60 Violations.
338.61 Appeals and communications.

SUBPART—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Allocation Order R-1]

DEFINITIONS

- Sec.
338.71 Definitions.

MANUFACTURING REGULATIONS

- 338.72 Mandatory consumption of synthetic rubber.
338.73 Exception for experimental purposes.

IMPORT RESTRICTIONS

- 338.74 Restrictions on importation of rubber products.

REPORTS, VIOLATIONS, APPEALS AND COMMUNICATIONS

- 338.75 Reports of rubber consumption and stocks.
338.76 Other reports.
338.77 Violations.
338.78 Appeals.
338.79 Communications.

SYNTHETIC RUBBER SPECIFICATIONS

- 338.85 Synthetic rubber specifications for certain products.

SUBPART—USE AND EFFECT OF CERTIFIED EXPORT ORDERS FOR NITROGENOUS FERTILIZER MATERIALS (1948-49 EXPORT PROGRAM)

[Allocation Order N-1]

PURPOSE

- 338.91 Purpose.

ASSISTANCE FOR EXPORTERS

- 338.92 How exporters get assistance.
338.93 How exporters use the symbol CXN.

ASSISTANCE FOR CONVERTERS

- 338.94 How converters get assistance.
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EFFECT OF CERTIFIED EXPORT ORDERS

- 338.96 Effect of certified export orders.
338.97 Limitation on the effect of certified orders.

REVALIDATION OF CERTIFIED EXPORT ORDERS ALREADY PLACED

- 338.98 Revalidation of Certified Orders Already Placed.

GENERAL PROVISIONS

- 338.99 Assistance in finding suppliers.
338.100 Delegation.
338.101 Appeals.
338.102 Reports.
338.103 Communications.

SUBPART—DISTRIBUTION OF ARMY ANHYDROUS AMMONIA

[Allocation Order D-1]

PURPOSE

- 338.111 Purpose.

DISTRIBUTION POLICIES

- 338.112 ODC distribution policies.
338.113 Conditions.

APPLICATION PROCEDURE

- 338.114 How to apply for distribution.
338.115 ODC action on application.
338.116 Appeals.
338.117 Violations.

COMMUNICATIONS

- 338.118 Communications.

SUBPART—TIN

[Allocation Order M-43]

AUTHORITY: §§ 338.1 to 338.25, issued under 56 Stat. 177, as extended (Pub. Laws 188, 427, 80th Cong.), E. O. 9841, Apr. 23, 1947, 12 F. R. 2645; 3 CFR, 1947 Supp.

PURPOSE

§ 338.1 *What this subpart does.* This subpart prohibits deliveries of pig tin except under certain conditions and provides for allocation of pig tin by the Office of Domestic Commerce. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The subpart also restricts sales and deliveries of jewelry and certain other articles containing tin. The subpart also limits inventories of tin. Further restrictions on the use of tin in making tin cans are contained in §§ 338.31 to 338.46, inclusive (Order M-81).

DELIVERIES OF PIG TIN

§ 338.2 *Restriction on deliveries of pig tin.* No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Office of Domestic Commerce except as set forth in paragraphs (a) and (b) of this section.

Except as may be specifically authorized in writing by the ODC, no person shall receive pig tin for processing by him for another person's account (under toll agreement or otherwise), and no person shall deliver pig tin to another person for processing by the latter for the former's account (under toll agreement or otherwise).

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes powder, small bars and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing.

(a) *Exception for deliveries to RFC.* Pig tin may be delivered without specific allocation to the Reconstruction Finance Corporation, or its agent.

(b) *Small-order exception.* Pig tin may be delivered, without specific authorization, by a distributor in quantities totalling not more than 4,000 pounds per calendar month to any customer who (1) receives that pig tin only for use or processing by him in his own plant or for resale in accordance with this subpart, (2) does not receive from all sources more than 4,000 pounds of pig tin in the month the distributor makes delivery, and (3) gives to the distributor at the time he places his purchase order a certificate in substantially the form below, signed manually or as provided in §§ 336.1 to 336.20, inclusive (Allocation Regulation 1) by an official duly authorized for that purpose:

I certify, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that I will use this pig tin for _____ (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order. I will not receive more than 4,000 pounds of pig tin from all sources in _____ (specify month of delivery) including the amount covered by this order.

By _____ (Name of purchaser)
(Duly authorized official)

This exception applies only to a person regularly engaged in the manufacture for his own use or for resale of the tin product for which the tin is used, and does not apply to those persons who normally purchase the finished tin product for their operations.

See § 338.12 regarding certificate for export.

§ 338.3 *Allocations of pig tin.* The Office of Domestic Commerce will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Office of Domestic Commerce not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form ODC-412. Except in unusual circumstances, the Office of Domestic Commerce will not allocate to a person for a calendar quarter an amount greater than 27.5% of the total quantity allocated to him for melting and putting into process and for resale during the calendar year of 1948. Applications from persons who did not use pig tin during the base period (including persons who were not in business at that time) will be considered on an equitable basis. Tin requested for resale must be disposed of only by resale. The Office of Domestic Commerce may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin whether or not directly allocated to him.

§ 338.4 *Reports on use, disposition and inventories of pig tin.* (a) On or before the 10th of each calendar month, each distributor of pig tin must report to the Office of Domestic Commerce on Form ODC-412 all of his transactions in pig tin during the previous month.

(b) Any person who, on the first day of a calendar month, has in his possession or under his control 2,000 pounds or more of pig tin must report to the Office of Domestic Commerce on Form ODC-412 by the 20th of that month.

(c) Any person who uses 1,000 pounds or more of pig tin in any calendar month must report to the Office of Domestic Commerce on Form ODC-412 on or before the 20th of the following month.

(d) The reporting requirements of this subpart have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

USE OF TIN IN MANUFACTURE

§ 338.5 *General restrictions on the use of pig tin, secondary tin, tin plate,terne plate, solder, babbitt and other tin-bearing materials.* No person may use any pig tin, secondary tin, tin plate,terne plate, solder, babbitt, copper base alloys or other alloys containing 1.5% or more tin, or any other materials containing 1.5% or more tin, or any britannia metal, pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this subpart. In making or treating these items, or performing these processes, pig tin may be used only when, and to the extent, specified in the schedules but may not be used where the schedule permits secondary tin only. The tin content of an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element

tin, in shapes currently in the trade (including anodes, powder, small bars, and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

§ 338.6 *Special restrictions on the use of metals to which pig tin has been added.* No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this subpart.

IMPLEMENTS OF WAR

§ 338.7 *Exemption for implements of war.* (a) The restrictions of §§ 338.5 and 338.6 and of the schedules do not apply to the manufacture of "Implements of war" produced for the National Military Establishment, or the U. S. Maritime Commission, where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced.

(b) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" materials or any other materials not actually to be incorporated into the items described above.

USE AND SALE OF ARTICLES CONTAINING TIN

§ 338.8 *General restrictions on the use and sale of tin-bearing products.*

(a) In some cases the schedules attached to this subpart permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(b) No person giving a certificate under this subpart or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms.

(c) Notwithstanding the authorization by the Office of Domestic Commerce of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this subpart. A supplier may rely upon the written certification of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe the certification is false, and such a certification shall constitute, on the part of the person making it, a representation to the Office of Domestic Commerce within the meaning

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of Title 18, U. S. Code (Crimes), section 1001.

(d) Certificates furnished by purchasers should be in substantially the following form, except when otherwise required by § 338.2 (b), § 338.12, or by provisions in the schedules attached to this order:

I certify, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that I will use this tin or tin product for¹ (specify end use) in accordance with Order M-43 (Section _____, paragraph _____) or will resell it only in accordance with that order.

By _____
(Name of purchaser)
(Duly authorized official)

¹Where appropriate, substitute the following for the portion beginning "for (specify end use)":

in accordance with the "implements of war" provisions of § 338.7 of Order M-43.

§ 338.9 *Special restrictions on purchases and sales of certain articles containing tin.* No person, for the purpose of resale, shall purchase or receive any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by § 338.22), or brass or bronze (to the extent permitted by § 338.24).

No person shall sell or deliver any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by § 338.22), or brass or bronze (to the extent permitted by § 338.24).

"New article" means one which has not been used by an ultimate consumer.

A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin in any form except tin plate waste waste or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by § 338.22), or brass or bronze (to the extent permitted by § 338.24), unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.
7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

Inventories

§ 338.10 *Limitation on inventories.* No person who uses any material listed in Column 1 below shall accept delivery of any of that material if his inventory of it is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practices to put into use, during the next succeeding period of the length specified in Column 2 below, in order to carry out

his current operations for permitted uses:

Column (1) Material	Column (2) Maximum days' supply
a. Pig tin-----	90 days (for manufacture of tin plate). 45 days (for any other permitted use).
b. Solder (as defined in Schedule II to M-43).	30 days.
c. Babbitt (as defined in Schedule III to M-43).	30 days.
d. Copper base alloys (containing 1.5% or more of tin).	45 days.
e. Other alloys containing 1.5% or more tin (except solder, babbitt, and copper base alloys).	30 days.
f. All other tin bearing materials.	60 days.

IMPORTS

§ 338.11 *Import restrictions.* This section contains the ODC restrictions on the import of tin in various forms (exclusive of tin ores and concentrates).

(a) *Definitions.* For the purposes of this section:

(1) "Tin subject to import control" means any tin in any raw, semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value), in any raw, semi-finished, or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder-----	6506.100
Alloys and combinations of lead, not in chief value lead (including leady antimony and white metal)-----	6506.900
Tin bars, blocks, pigs, grain or granulated-----	6551.300
Tin metallic scrap (except alloyed scrap)-----	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloy scrap)-----	6551.900
Tin foil less than .0006 inch thick-----	6790.710
Tin powder flitters and metallics-----	6790.720
Tin bichloride, tin tetrachloride and other chemical compounds, mixtures and salts, tin chief value (including tin oxide)-----	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (September 1, 1946 Edition).

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation.

It does not include shipments in transit in bond through the continental United States without processing or manufacture to Canada, Mexico or any other foreign country, or shipments through a free port or free zones to a foreign country without processing or manufacture. However, if any material covered by the preceding sentence is, because of a change in plans, to be sold or used in the continental U. S. or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this section and requires the same authorization as an "import" before it may be moved from a free port, free zone, or bonded custody.

(b) *Restrictions on imports*—(1) *General restriction.* No person, except as authorized in writing by the Office of Domestic Commerce, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any tin subject to import control under this subpart. The foregoing restrictions shall apply to the importation of any tin subject to import control under this subpart regardless of the existence of any contract or other arrangement for the importation of such material.

(i) *Conditions under which the importation of tin alloys may be permitted.* Alloys containing less than 90% tin may be imported in pig and ingot form only, provided such material is not of such nature as to be considered especially prepared for nonpermitted use under the provisions of Order M-43. The quantity which may be imported must fall within the total quantity of imports established quarterly by the Office of Domestic Commerce. Excessive applications will be denied or reduced. Such imports as may be authorized will be charged against the U. S. customers' allocation of pig tin in the month or quarter in which the material is received and may only be imported by or for the account of customers who now receive pig tin allocations and can use the material in the form imported, for use only in accordance with the provisions of Order M-43. Importees must certify in their application to a firm offer of material by a supplier to the importer, and country of origin, certifying as to export license number, date, etc., from the country of origin, where such export license is required by said country. License application likewise must show the quantity of material, assay or assays, U. S. customers to whom it is intended or contracted to sell, and quantity to each customer.

(2) *Authorization by Office of Domestic Commerce.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form ODC-1041 addressed to the Nonferrous Metals and Minerals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-43. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned

therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any tin subject to import control under this subpart, unless such bank or person either has received a copy of the authorization issued by the Office of Domestic Commerce under the provisions of paragraph (b) (2) of this section or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4) of this section.

(4) *Exceptions.* Unless otherwise directed by the Office of Domestic Commerce, the restrictions set forth in paragraph (b) of this section shall not apply:

(i) To the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(iii) To any material consigned or imported as a sample where the value of each consignment or shipment is less than \$25.00.

(c) *Reports.*—(1) *Reports on customs entry.* No tin subject to import control under this subpart, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency or corporations, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form ODC-1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form a second time be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Nonferrous Metals and Minerals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-43.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to any tin subject to import control under this subpart, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Office of Domestic Commerce.

EXPORTS

§ 338.12 *Export certificates.* Some provisions of this subpart and its Schedules permit sales or deliveries of certain items only upon certificates from the purchasers. In cases where the purchaser is going to export such an item outside the United States, its territories or possessions, or Canada, he should state as the end use in the certificate the words "for export" and give the number of the export license.

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§ 338.13 *Appeals and communications.* Any appeal for relief or exemption from the provisions of this subpart shall be made in accordance with §§ 336.51-336.61 (Allocation Regulation 3), by filing a letter in triplicate referring to the particular provision appealed from and the precise relief desired and stating fully the grounds of the appeal and the reasons why a denial of the appeal would result in undue and excessive hardship on the appellant not suffered by others similarly situated or would result in improper discrimination. Appeals, reports and all communications concerning this subpart should be addressed to the Nonferrous Metals and Minerals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-43.

§ 338.14 *Violations.* Any person who willfully violates any provision of this subpart, or who in connection with this subpart, willfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under allocation control.

SCHEDULES

§ 338.20 *Permitted uses.* Under this subpart pig tin, secondary tin, tin plate,terne plate, solder, babbitt, copper base alloys and other materials containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions and conditions specified in these schedules with respect to the various items and purposes.

§ 338.21 *Schedule I; miscellaneous—*
(a) *Certificates.* No manufacturer or wholesale distributor shall sell or deliver any item covered under this schedule to a wholesale distributor or retailer, and no wholesale distributor or retailer shall purchase or accept delivery of any item under this schedule unless the purchaser has given to the seller a certificate that he will not resell the items to user without obtaining from the user the certification called for below. No manufacturer, wholesale distributor, or retailer shall sell or deliver any item covered under this schedule to a user, and no user shall purchase or accept delivery of any item covered under this schedule, unless the user has given to the seller a written certification in the form set out in § 338.8 (d) of Order M-43.

(b) *Tin content.* Pig tin, secondary tin, or materials containing tin, may be used to produce the items set forth in the following schedule only in accordance with and to the extent set forth in the restrictions covering each item.

(1) *Detonators and blasting caps.* Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) *Collapsible tubes.* (i) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

Product	Maximum permitted tin content (percent of tin by weight)
Ointments and other preparations for ophthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hypodermic injection	Unlimited
Preparations intended for introduction into the body orifices for local application, and medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	Unlimited
Dental cleansing preparations	3%

Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 0.5% by weight.

(ii) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) *Foil.* Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	Maximum permitted tin content (percent of tin by weight)
(i) Electrotypers foil	80%
(ii) Dental foil	Unlimited
(iii) Soft babbitt for the preparation of industrial metallic packing	1½%
(iv) Condenser foil of dimensions 0.00035 inch by ¼ inch or less	50%
(v) Condenser foil for all other condensers	5%
(vi) Foil for aircraft magnetos	50%
(vii) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals for which other types of liners cannot be used	Unlimited

(4) *Dairy equipment.* Pig or secondary tin may be used to coat fluid milk shipping containers or to manufacture or retin any other dairy equipment.

(5) *Equipment for preparing and handling food.* Pig or secondary tin may be used to coat or to retin any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food or to plate cutlery and flatware.

(6) *Wire coating.* Pig tin or tin alloys may be prepared and used for coating wire as follows:

(i) *For copper base wire.* There is no limitation upon the tin content of the coating alloy when the copper base wire

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to be coated is of a size of 0.0320" nominal diameter or finer. If the wire to be coated is of a size larger than 0.0320" nominal diameter the tin content of the coating alloy is limited to 12% tin by weight.

(ii) *For steel wire.* (a) To be used as armature binding wire.

(b) To be used in the manufacture of equipment for the production of textiles.

(c) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(d) In the liquor finishing process of fine steel bright wire.

(7) *Lead base alloys for coating.* Lead base alloys containing tin for coating sheet, tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 7% of tin by weight.

(8) *Printing plates and type metal.* Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries.

(9) *Dental amalgam alloys.* Pig tin may be used in the manufacture of dental amalgam alloys without restriction as to the tin content of the alloys.

(10) *Pipe organs for religious and educational institutions.* Pipe organs for religious and educational institutions may be manufactured, rebuilt, or repaired with secondary tin.

(11) *Bolster metal.* Bolster metal may be made and used in the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 10% of tin by weight.

(12) *Fusible alloys and dry pipe seat rings.* Pig or secondary tin may be used in the manufacture of dry pipe valve seat rings to the extent required to meet performance specifications; and in the manufacture of fusible alloys for safety purposes only, to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.

(13) *Tin pipe and sheet.* (i) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, provided the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet or fittings delivered to him.

(ii) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(iii) Tin pipe or tubes may be used in the manufacture of new soda fountains, food and beverage dispensing units, and where required for conducting chemically pure distilled water.

(14) *Chemicals—(i) General.* Pig tin or tin chemicals may be used for the following purposes: laboratory reagent; medicinal; plating (where plating is permitted by this subpart).

(ii) *Tin tetrachloride from dross, etc.* Tin tetrachloride may be produced from secondary low-grade tin-bearing drosses, residues, and scrap metal. Such material is "low-grade" only if its tin content is not over 10% and its impurity content is too high for use in the production of other items for which secondary low-

grade tin-bearing materials are permitted by this subpart. Tin tetrachloride produced from such drosses, residues, and scrap metal may be used for any purpose.

This subparagraph does not apply to the production or use of tin tetrachloride produced from pig tin or from secondary tin-bearing material not "low-grade" as defined above.

(15) *Tin oxide.* Pig tin may be used to make tin oxide, but only when and to the extent that the manufacturer has been specifically authorized in writing by the Office of Domestic Commerce. Tin oxide may be used for the production of chrome green, pink, yellow, and red colors, and for the production of earthenware plumbing fixtures.

(16) *Snap fasteners and hooks and eyes.* Pig or secondary tin may be used to plate snap fasteners, and hooks and eyes.

(17) *Aluminum bearing alloys.* Aluminum alloys containing tin may be manufactured and used for bearing purposes if the tin content does not exceed 7% by weight.

§ 338.22 *Schedule II; solders—(a) Certificates.* No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller a written certificate in the form set out in § 338.8 (d).

(b) *Tin content.* Pig or secondary tin may be used to make solder in accordance with the following restrictions. In the manufacture of solder, the tin content by weight shall be limited according to the purpose for which it is to be used as follows:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For all cellular type radiators (average per radiator).....	21%
(2) For all fin and tube type radiators for military and civilian use (average per radiator).....	32%
(3) Soldering end seams on all solder seamed cans.....	30%
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.....	15%
(5) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams.....	5%
(6) For sealing milk cans.....	21%
(7) For all soldering on the following (exclusive of any covered by (8) below): motors, generators, electrical equipment, instruments, meters, radio, radar, tanks, fire protection equipment, refrigeration equipment, dairy equipment, and food processing equipment.....	50%
(8) For all soldering on the following: railroad-car and truck refrigeration; refrigeration equipment inside refrigerated compartments; aircraft motors; electric-traction motors for railroads, street-cars, and buses.....	Unlimited

Maximum tin content of solder (percent of tin by weight)

Purpose	
(9) For soldering aluminum.....	60%
(10) For other hand soldering operations done either with a soldering iron or with a torch and wiping.....	40%
(11) For any other soldering operations.....	35%

§ 338.23 *Schedule III; babbitt—(a) Certificates.* No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement or his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user provided for in § 338.8 (d). No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with a written certificate in the form provided for in § 338.8 (d).

(b) *Tin content.* Pig or secondary tin may be used to make babbitt metal, and similar alloys used as babbitt, for bearing purposes in accordance with the following restrictions. In making such product, the tin content shall be limited according to the purpose for which it is to be used as follows:

Purpose	Maximum tin content of babbitt (percent of tin by weight)
(1) For the manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotive or for lining aluminum crossheads. Unlimited	
(2) Any other bearing purpose.....	90%

Babbitt may not be used for any purpose except those listed above.

§ 338.24 *Schedule IV; brass and bronze—(a) Cast alloys—(1) Tin content.* Pig or secondary tin may be used to make cast copper base alloys in accordance with the following restrictions. No person shall cast or have any person cast for him any copper base alloy containing 3.5% or more tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, and collector rings.....	12%
(ii) For the manufacture of piston rings for locomotives and for air-brake equipment.....	20%

Purpose	Maximum tin content (percent of tin by weight)
(iii) For use as bearings and bushings ¹ -----	9%
(iv) For bearings produced by process of powder metallurgy ¹ -----	10%
(v) For production of or use in tablets, markers, and memorials-----	3.5%
(vi) For all other castings-----	6%

¹ For aluminum alloy bearings see § 338.21 (17).

(2) *Certificate.* Any person receiving copper base alloy castings containing 3.5% or more tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings (see § 338.8 (d) regarding form of certificate). All suppliers shall require such a certificate. If the end use is not permitted by this subpart and the purchaser has not received special authorization from the Office of Domestic Commerce, the supplier shall refuse the order.

(b) *Wrought alloys*—Pig or secondary tin may be used to make wrought alloys. However, the tin content of any such alloy shall not be more than the amount required for the particular purpose.

§ 338.25 *Schedule V; tin plate, terne plate, and terne metal*—(a) *Definitions.* (1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste-waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste-waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, screw caps or similar closures for various containers. The term also includes tin plate and terne plate sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

(6) "Waste-waste" means hot dipped or electrolytic tin coated sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(b) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum indicated below for the particular permitted use. Coating shall be deter-

mined on the basis of average spot coating tests, in the case of electrolytic plate, and on the basis of pot yield, in the case of hot dipped plate. No person may use terne metal of over 15% tin in tin mill coating machines. No person may use terne metal of over 10% tin in sheet mill coating machines.

(c) *Tin plate and terne plate.* Tin plate and terne plate may be used only for the following purposes:

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
1. All kitchen equipment.	Electrolytic tinplate.	0.25 lb. per base box.
2. Food preparation and cooking equipment:		
(a) Baking pans for institutions and commercial bakers.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
(b) All other food preparation and cooking equipment.	Electrolytic tin plate.	0.50 lb. per base box.
3. Brushes, power driven.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terneplate.	
4. Cans.	As permitted by §§ 338.31-338.46.	
5. Closures (including crowns):		
(a) Closures for all food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices, mustard, horseradish and cherries.	Hot dipped tin plate.	1.50 pounds per base box.
(b) Closures for meat and fish and products made from them; ice cream mix; apple cider and juice; fruits (only crush, fountain fruit and ice cream toppings) soup mix, cheese spreads; spaghetti and macaroni products, corn beef hash and sauerkraut.	Electrolytic tin plate.	0.50 pound per base box.
(c) Closures for: biologicals; blood plasma; drug chemicals; dental supplies; glycerites; liniments of ammonia; magmas; drug oils; ointments; penicillin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products, aromatic chemicals; reagent chemicals; deodorants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; phenols; photographic supplies; and all other liquid chemicals.	Electrolytic tin plate.	0.50 pound per base box.
(d) Closure for home canning.	Electrolytic tin plate.	0.50 pound per base box.
(e) [Deleted May 7, 1948.]		
(f) Closures for steel drums.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
(g) All other closures and crowns whether for domestic or export use.	Electrolytic tin plate.	0.25 pound per base box.
6. Carbide non-explosive emergency lights.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
7. Chaplets, skingates, and tin forms for foundry use.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
8. Cheese vats.	Hot dipped tin plate.	11 lbs. per base box.
	Reconditioned tin plate.	
9. Component parts for Internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solder-ability.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
10. Cylinder liners for lard and fruit presses.	Hot dipped tin plate.	1.25 lbs. per base box.
11. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate.	3.30 lbs. per base box (2A charcoal).
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
12. Diamond cutting wheels.	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
13. Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
14. Equipment or appliance parts requiring solderable coatings.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
	Electrolytic tin plate.	0.25 lb. per base box.
15. (a) Fuel tanks, except for automotive equipment....	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
(b) Fuel tanks, for automotive equipment.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	6 lbs. per base box.
	Reconditioned terne plate.	
16. Gas mask canisters.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	

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Permitted use	Permitted material	Maximum permitted coating of tin or ofterne metal (per single base box)
17. Gas meters.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate. Short ternes. Long ternes. Reconditionedterne plate.	3.30 lbs. per base box (2A charcoal). 0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
18. Heat exchangers.	Short ternes. Long ternes. Reconditionedterne plate.	1.30 lbs. per base box. 4 lbs. per base box.
19. Integral parts of signal cells—but only for current collectors and baskets.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
20. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate. Reconditioned tin plate.	11 lbs. per base box.
21. Maple syrup evaporators.	Hot dipped tin plate. Reconditioned tin plate.	11 lbs. per base box.
22. Oilers (excluding cans as defined by Order M-81).	Short ternes. Long ternes. Reconditionedterne plate.	1.30 lbs. per base box. 4 lbs. per base box.
23. Oil lanterns.	Short ternes. Long ternes. Reconditionedterne plate.	1.30 lbs. per base box. 4 lbs. per base box.
24. Repair parts for domestic laundry equipment.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
25. Safety cans for inflammable liquids.	Short ternes. Long ternes. Reconditionedterne plate.	1.30 lbs. per base box. 4 lbs. per base box.
26. Textile spinning cylinders, card screens, spools and bobbins.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
27. Torpedoes for oil and gas well shooting.	Short ternes. Long ternes. Reconditionedterne plate.	1.30 lbs. per base box. 4 lbs. per base box.
28. Vaporizing liquid fire extinguishers.	Short ternes. Long ternes. Reconditionedterne plate.	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
29. Wick holders for oil stoves.	Short ternes. Long ternes. Reconditionedterne plate.	1.30 lbs. per base box. 4 lbs. per base box.
30. Articles to be purchased by or for the account of the National Military Establishment, the Atomic Energy Commission, the United States Maritime Commission, and the Veterans' Administration.	As specified (including performance specifications).	

(f) *Additional permitted uses.* Any person may use electrolytic tin plate waste-waste, hot dipped tin plate waste waste,terne plate waste waste, tin plate scrap, or terne plate scrap for any purpose. In addition any person may use tin plate or terne plate for any purpose (except to make items listed in § 338.9 and cans as covered under Order M-81, in §§ 338.31-338.46) if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

(g) *Optional use of 0.25 tin plate for terne plate.* Where ternes or terne plate is permitted to be used for an item listed in paragraph (e) of this section, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pounds per base box for that item (except to make items listed in §§ 338.31-338.46).

(h) *Optional use of 0.50 and heavier electrolytic tin plate.* Where hot dipped tin plate is permitted to be used for an item listed in paragraph (e) of this section (except cans covered by §§ 338.31-338.46), the manufacturer may substitute electrolytic tin plate having a coating of 0.50 lb. per base box or heavier electrolytic coating.

SUBPART—CANS

[Allocation Order M-81]

AUTHORITY: §§ 338.31 to 338.46 issued under 56 Stat. 177, as amended and extended (Pub. Laws 188 and 427, 80th Cong.), Pub. Law 469, 80th Cong.; E. O. 9841, Apr. 23, 1947, 12 F. R. 2645; 3 CFR, 1947 Supp., E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

PURPOSE

§ 338.31 *What this subpart does.* This subpart places restrictions upon cans made of tinplate or terneplate. Cans made exclusively of blackplate or tinplate waste, terneplate waste, tinplate waste-waste, or terneplate waste-waste are not restricted by this subpart. The subpart does not set quotas for can users or limit can sizes. Section 338.45 sets out tinplate and terneplate specifications for cans for various products, with certain exceptions set forth in § 338.36. Section 338.46 sets out quota restrictions on can manufacturers' consumption of tin in making cans.

DEFINITIONS

§ 338.32 *Definitions.* For the purpose of this subpart:

(a) "Can" means any unused container made in whole or in part of tinplate or terneplate which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tinplate or terneplate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers.

(b) "Tinplate" means steel sheets coated with tin (including primes and seconds) and includes (1) electrolytic tinplate in which the tin coating is applied by electrolytic deposition, and (2) hot dipped tinplate in which the tin coatings are applied by immersion in

molten tin. The term does not include tinplate waste-waste or tinplate waste.

(c) "Terneplate" means steel sheets coated with terne metal (including primes and seconds). The term does not include terneplate waste-waste or terneplate waste.

(d) "SCMT" means special coated manufacturers' terneplate.

(e) "Waste" means scrap tinplate and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans and tinplate and terneplate strips produced in the ordinary course of manufacturing tinplate and terneplate. The term also includes tinplate and terneplate parts recovered from used cans.

(f) "Waste-waste" means hot dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(g) "Blackplate" means steel sheets (other than tinplate or terneplate) 29 gauge or lighter. The term includes "blackplate rejects", chemically treated blackplate (CTB), tinplate waste-waste, terneplate waste-waste, tinplate waste and terneplate waste.

RESTRICTIONS ON CAN MANUFACTURERS

§ 338.33 *General restrictions on sale, manufacture and delivery.* No person shall manufacture, sell or deliver any cans which he knows, or has reason to believe, will be accepted or used in violation of any provision of this subpart. (See § 338.46 for quota restrictions on manufacture.)

§ 338.34 *Completion and sale of outdated cans.* Whenever can material specifications for a product are changed by an amendment to this subpart, a can manufacturer may continue to sell, make and deliver cans for that product in accordance with the former specifications and must not make any cans conforming to the new specifications as long as there is available to him tinplate or terneplate which was intended for use under the former specifications, and which was in process at the tin mill or in its inventory for his account, or in his own inventory on the date of the change.

RESTRICTIONS ON CAN USERS

§ 338.35 *General restrictions on use of cans.* No person may use a tinplate or terneplate can for any purpose other than for packing the products listed in Schedule I in accordance with the material limitations set forth in that schedule. The only exceptions to this rule are set forth in § 338.36.

§ 338.36 *Exceptions—(a) Cans permitted before an amendment.* Whenever can material specifications for a product are changed by an amendment to this subpart, any person may pack that product in any can which was permitted before the amendment if the can, or the tinplate or terneplate incorporated in it, was in his inventory, in the inventory of the can manufacturer, or in process or in inventory at a tin mill for the account of

the can manufacturer on the date of the amendment. A packer may accept and use any outdated cans for any product produced under § 338.34 which the can manufacturer offers to him before using any cans for that product produced under the new specifications.

(b) *Products which are not to be sold.* Cans may be used to pack any product which is not to be sold in the same or different form, but this does not permit the use of cans contrary to the other provisions of this subpart for the purpose of aiding or promoting the sale of a product.

MISCELLANEOUS PROVISIONS

§ 338.37 *Appeals.* Appeals for relief or exemption from the provisions of this subpart or ODC action thereunder shall be filed in accordance with §§ 336.51-336.61 (Allocation Regulation 3), by addressing a letter in triplicate to the General Products Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-81. The letter of appeal need not follow any particular form. It should state informally, but completely, the provision appealed

from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

§ 338.38 *Communications.* All communications concerning this subpart shall, unless otherwise directed be addressed to: General Products Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-81.

§ 338.39 *Violations.* Any person who willfully violates any provision of this subpart or who, in connection with this subpart willfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under allocation control.

SCHEDULES

§ 338.45 *Schedule I; can specifications—(a) Columns 2 and 3.* Columns

2 and 3 specify the weights of tinplate or terneplate which may be used for the soldered, welded and nonsoldered parts of cans for the products listed in Column 1. Any person may also use for packing a listed product blackplate cans or cans with a tin coating lighter than that specified for that product. Wherever 0.25 electrolytic tinplate is specified, SCMT may be used. When only a figure is given in Column 2 or 3, this means that tinplate may be used for the part, and the figure given indicates the maximum weight of tin coating per single base box. Menders arising in the production of 0.50 electrolytic tinplate, which have been hotdipped with a maximum tin coating of 1.25 pounds per base box, may be used wherever 0.50 or heavier tinplate is specified in these columns. Menders arising in the production of 0.25 electrolytic tinplate which have been converted into SCMT may be used wherever 0.25 or heavier tinplate is specified in this order for non-food cans. When a scored can is used to pack any of the meat products listed in this section, 1.25 tinplate may be used for the body of the can.

CAN SPECIFICATIONS

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)	Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)	Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
<i>Fruit and fruit products</i>			<i>Vegetables and vegetable products—Continued</i>			<i>Fish and shellfish (processed and in hermetically sealed cans)—Con.</i>		
1. Apples, including crabapples...	1.50	0.50	50. Brussels sprouts.....	1.25	0.50	102. Fish flakes.....	0.50	0.50
2. Apple butter.....	1.50	1.50	51. Carrots.....	1.25	.50	103. Fish, ground.....	.50	.50
3. Apple juice:			52. Carrot juice.....	1.25	.50	104. Fish livers and fish liver oils...	1.25	1.25
a. Enamelled cans.....	1.50	1.50	53. Cabbage.....	1.25	.50	105. Fish roe.....	.50	.50
b. Plain bodies.....	1.50	.50	54. Cauliflower.....	1.25	.50	106. Herring, Atlantic Sea, including sardines:		
4. Apple sauce, including sauce from crabapples.....	1.50	.50	55. Celery.....	1.25	.50	a. Round cans.....	.50	.50
5. Apricots.....	1.50	1.50	56. Celery juice.....	1.25	.50	b. Oblong cans.....	1.25	.50
6. Bananas.....	1.25	1.25	57. Chard.....	1.25	.50	c. Oval cans.....	1.25	1.25
7. Berries.....	1.50	1.50	58. Chili sauce.....	1.25	1.25	107. Herring, Pacific Sea.....	.50	.50
8. Cherries.....	1.50	1.50	59. Chow-chow.....	1.50	1.50	108. Herring, river, including alewives.....	.50	.50
9. Cherry juice.....	1.50	1.50	60. Corn.....	.50	.50	109. Lobster.....	.50	.50
10. Citrus concentrates.....	1.25	1.25	61. Corn on cob.....	.50	.50	110. Mackerel.....	.50	.50
11. Citrus pulp and peel.....	1.25	1.25	62. Dehydrated vegetables.....	.50	.25	111. Menhaden.....	.50	.50
12. Cranberries.....	1.50	1.50	63. Frozen vegetables.....	.50	.50	112. Mullet.....	.50	.50
13. Currants.....	1.50	1.50	64. Green leafy vegetables.....	1.25	.50	113. Mussels.....	.50	.50
14. Dehydrated fruits except prunes.....	.50	.50	65. Hominy.....	.50	.50	114. Oysters.....	.50	.50
15. Dehydrated prunes.....	1.25	1.25	66. Lentils.....	.50	.50	115. Pilchards, including sardines:		
16. Figs.....	1.50	.50	67. Mixed vegetables, fresh.....	1.25	.50	a. Round cans.....	.50	.50
17. Fruit cocktail.....	1.50	.50	68. Mushrooms.....	1.25	.50	b. Oblong cans.....	1.50	1.25
18. Frozen fruits.....	.50	.50	69. Okra.....	1.25	.50	c. Oval cans.....	1.25	1.25
19. Fruits, mixed and for salad.....	1.50	.50	70. Onions.....	1.25	.50	116. Salmon.....	1.25	.50
20. Grape juice and grape pulp.....	1.50	1.50	71. Peas, green.....	.50	.50	117. Shad.....	.50	.50
21. Grapes.....	1.50	1.50	72. Peas and carrots.....	1.25	.50	118. Shrimp.....	.50	.50
22. Grapefruit juice.....	1.25	1.25	73. Pickles.....	1.50	1.50	119. Shrimp, fresh cooked Alaska refrigerated.....	1.25	.50
23. Grapefruit, orange or mixed segments.....	1.25	1.25	74. Pimientos and peppers.....	1.25	.50	120. Squid.....	.50	.50
24. Jams, jellies, marmalades and preserves.....	1.50	1.50	75. Potatoes, sweet.....	1.25	.50	121. Tuna.....	.50	.50
25. Lemon juice.....	1.25	1.25	76. Potatoes, white (sticks and chips not included).....	1.25	.50	122. Turtle.....	.50	.50
26. Lime juice.....	1.25	1.25	79. Pumpkin and squash.....	1.25	.50			
27. Nectars.....	1.50	.50	78. Rhubarb.....	1.50	1.50			
28. Olives:			79. Rice.....	.50	.50			
a. Whole.....	1.50	1.50	80. Rutabagas.....	1.25	.50			
b. Chopped.....	1.50	1.50	81. Sauerkraut.....	1.50	1.50	<i>Dairy products</i>		
29. Orange juice.....	1.25	1.25	82. Sauerkraut juice.....	1.50	1.50	123. Butter and margarine.....	.50	.50
30. Orange-grapefruit juice.....	1.25	1.25	83. Soups.....	1.25	.50	124. Cheese.....	.50	.50
31. Papayas and juice.....	1.25	1.25	84. Succotash.....	.50	.50	125. Cream, frozen.....	1.25	1.25
32. Peaches.....	1.50	.50	85. Tomatoes.....	1.25	1.25	126. Ice cream and ice cream mix (wet).....	.50	.50
33. Pears.....	1.50	1.50	86. Tomatoes and okra.....	1.25	1.25	127. Liquid modifications of milk.....	.75	.75
34. Pectin.....	1.50	1.50	87. Tomato catsup.....	1.25	1.25	128. Milk, condensed.....	.75	.75
35. Pineapple.....	1.25	1.25	88. Tomato juice.....	1.25	.50	129. Milk, evaporated:		
36. Pineapple juice.....	1.25	1.25	89. Tomato juice with other vegetable juices.....	1.25	1.25	a. 14½-oz. or larger.....	1.25	1.25
37. Plums.....	1.50	1.50	90. Tomato paste.....	1.25	1.25	b. Under 14½-oz.....	.75	.75
38. Prunes, dried in syrup.....	1.50	1.50	91. Tomato pulp and puree.....	1.25	1.25	130. Milk, goat.....	1.25	1.25
39. Prunes, fresh.....	1.50	1.50	92. Tomato sauce, including spaghetti sauce.....	1.25	1.25	131. Milk (skimmed) dry or powdered.....	.50	.50
40. Prune juice.....	1.50	1.50	93. Turnips.....	1.25	.50	132. Milk (whole) dry or powdered.....	.50	(1)
41. Quinces.....	1.50	1.50				133. Meat products as follows:		
<i>Vegetable and vegetable products</i>			<i>Fish and shellfish (processed and in hermetically sealed cans)</i>			a. Bacon:		
42. Artichokes.....	1.25	.50	94. Anchovies.....	.50	.50	1. 14 lb. or larger.....	1.25	1.25
43. Asparagus.....	1.25	1.25	95. Caviar.....	.50	.50	2. Under 14 lb.....	.50	.50
44. Beans, dried:			96. Clams.....	.50	.50	b. Beef, veal and mutton or pork (corned, roast or boiled):		
a. with tomato sauce.....	1.25	.50	97. Codfish cakes.....	.50	.50	Cans with all seams soldered.....	1.25	1.25
b. without tomato sauce.....	.50	.50	98. Crabmeat.....	.50	.50	Cans with only side seams soldered.....	.50	.50
45. Beans, green or wax.....	1.25	.50	99. Crawfish.....	.50	.50			
46. Beans, fresh shelled.....	.50	.50	100. Eels.....	.50	.50			
47. Beans and bamboo sprouts.....	1.25	.50	101. Finnan haddie.....	.50	.50			
48. Beets.....	1.25	1.25						
49. Broccoli.....	1.25	.50						

¹ No tinplate or terneplate.

RULES AND REGULATIONS

CAN SPECIFICATIONS—Continued

Product	Soldered or welded parts	Non-soldered parts	Product	Soldered or welded parts	Non-soldered parts	Product	Soldered or welded parts	Non-soldered parts
(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Dairy products—Continued			Miscellaneous food products—Continued			Non-food products—Continued		
133. Meat products as follows—Continued			158. Peanut butter and other nut butters.....	0.50	(1)	188. Disinfectants and germicides.....	0.25	0.25
c. Brains.....	0.50	0.50	159. Ravioli.....	1.25	0.50	189. Dyes.....	.50	.50
d. Chili con carne.....	.50	.50	160. Shortening, vegetable and animal.....	.25	(1)	190. Film boxes.....	.25	.25
e. Corned beef hash.....	.50	.50	161. Soda fountain fruit and other acid syrups.....	1.25	1.25	191. Fire extinguisher fluid or powder.....	.25	(1)
f. Hamburger with or without onions.....	.50	.50	162. Spaghetti in sauce.....	1.25	.50	192. Furnace cement.....	.25	(1)
g. Hams, whole.....	1.25	1.25	163. Special dietary foods.....	.50	(1)	193. Gasket assembling compounds.....	.25	(1)
h. Ham and eggs.....	.50	.50	164. Syrups, sweet:			194. Glues and adhesives.....	1.25	1.25
i. Luncheon meats.....	.50	.50	a. All seams soldered.....	1.25	1.25	195. Glycerine.....	1.50	1.50
j. Meat and gravy, including goulash.....	.50	.50	b. Only side seams soldered.....	.50	.50	196. Grain fumigant, liquid.....	.50	.50
k. Meat loaf.....	.50	.50	165. Syrup, chocolate.....	.50	.50	197. Graphite with liquid content.....	.25	(1)
l. Meat spreads.....	.50	.50	166. Syrup, malt.....	.50	.50	198. Hydraulic brake fluid.....	.25	.25
m. Pickled pigs feet.....	1.50	1.50	167. Yeast.....	.50	.50	199. Ink, spirit aniline and rotogravure.....	.50	.50
n. Pork and soya links.....	.50	.50	167a. Any other food products for U. S. Army export or U. S. Navy offshore use only.....	Any	Any	200. Ink, printing, duplicating and lithographing.....	.25	(1)
o. Potted meats.....	.50	.50	168. All other food products:			201. Insecticides, and fungicides (liquid).....	.25	.25
p. Sausage, bulk.....	.50	.50	a. Containing 12% or more moisture.....	.25	.25	202. Lubricating oils, including motor oil:		
q. Sausage in casings.....	.50	.50	b. Containing less than 12% moisture.....	.25	(1)	a. Motor oil, 1-qt. round refinery sealed.....	SCMT	(1)
1. Vienna sausage.....	.50	.50	Non-food products			b. Motor oil, other sizes or types of cans.....	.25	(1)
2. Frankfurters, pork sausage.....	.50	.50	169. Abrasives and valve grinding compounds.....	.50	(1)	c. Other lubricating oils.....	.25	(1)
3. Sausage in oil, lard or rendered pork fat.....	.50	.50	170. Alcohol, pharmaceutical and chemically pure.....	1.25	1.25	203. Machine ribbons.....	.25	.25
r. Scrapple.....	.50	.50	171. Antifreeze.....	.25	.25	204. Nicotine sulphate.....	1.50	1.50
s. Stews.....	.50	.50	172. Aniline.....	1.25	1.25	205. Oils, essential: distilled or cold pressed.....	1.25	1.25
t. Tamales.....	.50	.50	173. Auto supplies, only as follows:			206. Oils, transformer.....	.50	.50
u. Tongue.....	.50	.50	a. Radiator antifrost compounds, liquid.....	.50	.50	207. Ointments and salves.....	.25	.25
v. Tripe.....	1.25	1.25	b. Carbon removers.....	.25	(1)	208. Paints:		
Poultry and poultry products (processed and in hermetically sealed cans)			c. Radiator stop-leak.....	.50	.50	a. Aluminum paint.....	.50	.50
134. Chicken and veal with noodles.....	.50	.50	174. Bee feeder, cans for use in shipping bees.....	.50	(1)	b. Copper bottom or anti-fouling.....	1.25	1.25
135. Chicken or turkey a la king.....	.50	.50	175. Benzol, toluene, naphtha, xylene.....	.25	.25	c. Lacquer and lacquer thinner.....	.50	.50
136. Enchiladas.....	.50	.50	176. Blood plasma.....	.50	.25	d. Paste water paints, including resin emulsion.....	.50	.50
137. Turkey or chicken.....	.50	.50	177. Boiler sealing compound.....	.25	.25	e. Pigmented oil paints.....	.25	.25
138. Poultry spread.....	.50	.50	178. Buffing compounds.....	.25	(1)	f. Varnishes, oil stain, shingle stain.....	.50	.50
Miscellaneous food products			179. Carbon disulfide.....	.25	.25	209. Plastic wood.....	1.25	1.25
139. Animal foods.....	.25	(1)	180. Caulking compound.....	.25	(1)	210. Phosphorus.....	1.25	1.25
140. Baby foods:			181. Cements, only as follows:			211. Polishes and waxes:		
a. Chopped and pureed.....	1.50	1.50	a. Neoprene base rubber cement.....	1.25	1.25	a. Solvent base.....	.25	(1)
b. Chopped and pureed meats.....	1.25	1.50	b. Other synthetic rubbers, natural rubber, linoleum, solvent base.....	.25	.25	b. Water base.....	.50	.50
c. Liquid milk formula.....	1.25	1.25	c. Furnace cement.....	.25	(1)	212. Potassium permanganate, reagent grade.....	.50	.50
d. Soybean milk, liquid.....	1.25	.50	182. Chemicals, dry, only as follows:			213. Putty.....	.25	(1)
e. Dry or powdered milk formula.....	.50	(1)	a. Phenols.....	1.50	1.50	214. Roof cement.....	.25	(1)
141. Bakery products containing more than 12% moisture.....	.50	.50	b. Ammonium salts.....	1.25	1.25	215. Rust preventative.....	.25	(1)
142. Beer.....	.50	.50	c. Cyanide salts.....	.25	(1)	216. Saccharin.....	.50	.50
143. Cereal.....	.50	.50	d. Hypochlorite powders.....	.25	.25	217. Shellac.....	(1)	(1)
144. Chop suey.....	1.25	.50	183. Chemicals, liquid, only as follows:			218. Soap:		
145. Chow mein.....	1.25	.50	a. Alcohols, aldehyde and halogenated hydrocarbons.....	.50	.50	a. Liquid.....	1.25	1.25
146. Coconut, shredded.....	.50	.50	b. Chloroform.....	.50	.50	b. Paste.....	.25	.25
147. Coffee (including soluble):			c. Bromoacetone.....	.50	.50	219. Sodium and potassium metals.....	.50	.50
a. Soluble coffee.....	.25	(1)	d. Monochloroacetone.....	.50	.50	220. Sodium peroxide.....	.50	.50
b. Coffee other than soluble:			e. Acrolein.....	.50	.50	221. Soldering paste, flux.....	.25	.25
1. 2-lb or larger.....	.25	(1)	f. Sodium silicate.....	.50	.50	222. Stamp pads.....	.50	.50
2. Under 2-lb.....	(1)	(1)	184. Cleaners, only as follows:			223. Turpentine.....	.50	.50
148. Eggs, frozen.....	.50	.50	a. Wallpaper.....	.50	.50	224. Varnish and paint removers.....	.50	.50
149. Extracts and flavorings, liquid.....	1.25	1.25	b. Window spray.....	.50	.50	225. Welding fluxes.....	.25	(1)
150. Honey.....	1.25	1.25	c. Radiator liquid.....	1.25	1.25	226. Worm killer, sheep and cattle dip, sheep and horse drench roost paint, poultry remedies and other liquid disinfectants:		
151. Lima bean loaf.....	.50	.50	185. Chloroform and ether.....	.50	.50	a. For external use.....	.25	.25
152. Lobster Newburg.....	.50	.50	186. Crescote and wood preservatives.....	.50	(1)	b. For internal use.....	1.25	1.25
153. Macaroni with cheese or tomato sauce.....	1.25	.50	187. Deodorizers.....	1.25	1.25	227. Any nonfood product for U. S. Army or U. S. Navy use only.....	Any	Any
154. Mayonnaise.....	1.50	1.50				228. Any other nonfood products.....	.25	(1)
155. Nut meats.....	.25	(1)						
156. Oils liquid edible:								
a. 5-gal. or larger.....	1.25	1.25						
b. Under 5-gal.....	.50	.50						
157. Pastes and condiments.....	1.25	.50						

1 No tinplate or terneplate.

*8-pound terneplate.

§ 338.46 *Schedule II; quota restrictions*—(a) *Scope*. This section places restrictions on can manufacturers' consumption of tin in making cans.

(b) *Restrictions on over-all consumption of tin for cans*. During the first six months of 1949, in making cans, no person shall use more than 50% of the tin in the form of tinplate coating than was contained in the tinplate he received during 1947 for making cans.

(c) *Equitable distribution of cans*. It is the policy of the Government that can manufacturers observe the following

principles in distributing their production of cans:

(1) Adequate provision for the food pack.

(2) Equitable distribution among and within various groups of can users, including special consideration for small business and hardship cases and such provision as is reasonable and practical for newcomers.

(d) *Additional restrictions on making cans for certain products*—(1) *Beer*. During the first six months of 1949, in making cans for packing beer, no person

shall use more than 50% of the tin in the form of tinplate coating than he used for that purpose during 1947.

(2) *Animal foods*. During the first six months of 1949, in making cans for packing animal food, no person shall use more than 50% of the tin in the form of tinplate coating than whichever is the higher of the following two amounts:

(i) 75% of the amount of tin he used for this purpose during 1947; or

(ii) 75% of the amount of tin he used for this purpose during 1941, adjusted to reflect reduction of tin coating from a

1.25-lb. tinplate basis during 1941 to the 0.25-lb. tinplate basis now permitted by §§ 338.31 to 338.46, inclusive.

SUBPART—ANTIMONY

[Allocation Order M-112]

AUTHORITY: §§ 338.51 to 338.61 issued under 56 Stat. 177, as amended and extended (Pub. Laws 188 and 427, 80th Cong.) E. O. 9841, Apr. 23, 1947, 12 F. R. 2645; Materials Control Reg. 1, as amended May 7, 1948, 13 F. R. 2508.

DEFINITIONS

§ 338.51 *Definitions.* For the purposes of this subpart, "antimony" means and includes, the following, whether acquired domestically or by import and whether obtained from private or government sources:

- (a) Ores and concentrates, including beneficiated or treated forms, containing antimony commercially recognized;
- (b) Antimony metal, otherwise known as "Regulus" and the element antimony in commercially pure form;
- (c) Liquefied antimony, sometimes known as "needle antimony", "crude antimony" or "Crudum", which is in any case the result of separating antimony sulphide from antimony ores by fusion, without essential chemical change;
- (d) Any alloy containing 50 percent or more by weight of antimony in any of the forms listed in § 338.51 (a), (b), and (c);
- (e) Antimony oxide which results from the processing of any form of antimony or antimony-bearing material;
- (f) Antimony sulphide (precipitate or synthetic) which results from the processing of any form of antimony or antimony-bearing material.

RESTRICTIONS

§ 338.52 *Accepting delivery.* No person shall accept delivery of antimony except in such amounts and kinds as may be specifically authorized in writing by the Office of Domestic Commerce for a particular period and subject to any use restrictions specified in the authorization. This restriction does not apply in the following cases:

- (a) *Small lots.* Antimony may be accepted by any person in lots of 224 lbs. (contained antimony) or less, but the total quantity of contained antimony which any person may receive in any calendar month from all sources of supply under this paragraph shall not exceed 224 lbs.
- (b) *RFC.* Antimony may be accepted by the Reconstruction Finance Corporation, or by any agent of that corporation. (See § 338.57 as to obtaining delivery from RFC.)
- (c) *Imports.* Imported antimony may be accepted by the person making the import. Subsequent acceptances of that antimony by other persons are subject to the general restriction of this section.

§ 338.53 *Shipments to Canada.* No person may ship antimony to Canada unless he has received a written certificate in substantially the following form from the person to whom shipment is to be made or from his representative.

This is to certify that the antimony ordered herewith is for shipment to Canada and that the undersigned (or the person he represents) has received authorization for

such shipment from the ODC covering the amount ordered, in the form ordered.

(Signature),

Section 338.56 (a) explains how authorizations for Canada may be obtained.

As an exception from the certification requirement of this section, a person may ship antimony to any person in Canada in lots of 224 lbs. (contained antimony) or less without certification, but the total quantity of contained antimony which he may ship to such person in any calendar month without certification shall not exceed 224 lbs.

§ 338.54 *Exports to other countries.* Exports of antimony to any country other than Canada are subject to any export license requirements of the Office of International Trade, Department of Commerce.

In addition, under § 338.52, an exporter is also required to have written authorization from the Office of Domestic Commerce before he may accept delivery of antimony for export (unless the quantity is 224 pounds or less). However, the ODC may waive this authorization requirement for any licensed export upon the basis of information obtained by it from the OIT regarding the export shipment. In the case of such a waiver, the ODC will notify the licensee in writing. Such action will not waive the reporting requirements of § 338.58.

§ 338.55 *Directions.* The ODC may from time to time direct, in writing, the manner and quantity in which antimony shall be delivered, accepted, or used. Such action may also be taken with respect to antimony-bearing lead scrap or secondary antimony-bearing lead alloys. The ODC may also require, in writing, that any person seeking to place a purchase order for antimony place it with one or more particular suppliers.

APPLICATIONS FOR AUTHORIZATION

§ 338.56 *Form ODC-2931 applications.* Applications for authorization to accept delivery of antimony shall be made on Form ODC-2931 (in triplicate) to the Office of Domestic Commerce not later than the 20th day of the month preceding the month in which delivery is requested. Failure by any person to file an application in accordance with this paragraph may be construed as notice to ODC that such person does not desire an authorization to accept antimony.

In considering applications, the ODC will take into account the following factors: the available supply of the form of antimony requested; the applicant's ability to use other forms of antimony, substitute materials, etc.; and the applicant's inventory position. Applications will not be approved by ODC when it finds that the applicants can obtain and use less critical materials from secondary sources or substitute materials.

(a) *Applications from Canada.* Applicants in Canada should file Form ODC-2931 with the Priorities Officer, Department of Reconstruction and Supply, Ottawa, Canada. Where the Priorities Officer recommends approval, he will forward the applications, with his recommendations, to the Office of Domestic Commerce.

§ 338.57 *Requests for delivery from RFC.* Approval of a Form ODC-2931 application does not entitle the applicant to obtain the authorized antimony from the Reconstruction Finance Corporation. If the applicant is unable to obtain delivery from commercial sources, he may request ODC to recommend delivery from RFC. Request is to be made by letter, reporting what efforts have been made to obtain delivery from commercial sources. The ODC will not arrange for delivery from RFC unless satisfied that the antimony cannot be obtained otherwise.

REPORTS

§ 338.58 *Reports on inventory, use and shipments.* A report on Form ODC-2931 (in triplicate) shall be filed in accordance with the instructions on the form by the 20th day of each month by the following:

- (a) Any person who on the first day of the preceding month had in his possession or under his control 2240 pounds or more of contained antimony.
- (b) Any person who used, shipped, or used and shipped during the preceding month 2240 pounds or more of contained antimony. In the case of producers, distributors, and importers, they shall list all shipments made during the report month.

This report must be filed regardless of whether or not the person wishes authorization to accept antimony during the next succeeding month.

INVENTORY

§ 338.59 *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of antimony, if the total inventory in the hands of the person accepting delivery is, or by virtue of acceptance will become, in excess of his reasonably anticipated requirements in the next 30 days, excepting in the case of antimony in the forms listed in § 338.51 (a) which shall be limited to 45 days. This restriction does not apply to a producer of antimony.

MISCELLANEOUS

§ 338.60 *Violations.* Any person who willfully violates any provision of this subpart, or who, in connection with this subpart, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material subject to ODC orders and regulations.

§ 338.61 *Appeals and communications.* Any appeal for relief or exemption from the provisions of this subpart or ODC action thereunder shall be made, in compliance with §§ 336.51-336.61 (Allocation Regulation 3), by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of appeal, the precise relief desired and the reasons why the denial of the appeal would result in undue and excessive hardship not suffered by others similarly situated or result in improper

discrimination. Appeals, reports, and all communications concerning this subpart should, unless otherwise directed, be addressed to the Nonferrous Metals and Minerals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-112.

SUBPART—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Allocation Order R-1]

AUTHORITY: §§ 338.71 to 338.85 issued under Pub. Law 469, 80th Cong. E. O. 9942, Apr. 1, 1943; 13 F. R. 1823.

DEFINITIONS

§ 338.71 *Definitions.* As used in this subpart:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, including guayule and natural rubber rubber latex, but excluding reclaimed natural rubber.

(b) "Synthetic rubber" means any product of chemical synthesis similar in general properties and applications to natural rubber, and specifically capable of vulcanization, produced in the United States, not including reclaimed synthetic rubber.

(1) "General-purpose synthetic rubber" means a synthetic rubber of the butadiene-styrene type (GR-S) produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the President.

(2) "Special-purpose synthetic rubber" means a synthetic rubber of the type now known as butyl (GR-I), neoprene, or N-types (butadiene-acrylonitrile types) as well as any synthetic rubber of similar or improved quality produced in the United States applicable to similar uses, as determined from time to time by the President.

(c) "Consume" means in the case of natural rubber or synthetic rubber, to compound, expend, formulate or in any manner make any substantial change in the form, shape or chemical composition except where any of these materials are used in the preparation of master-batches or compounds prepared for use in the manufacture of finished products.

(d) "Person" means any individual, firm, copartnership, business trust, corporation, or any organized group of persons whether incorporated or not, and any Government department, agency, officer, corporation, or instrumentality of the United States.

(e) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of natural rubber, synthetic rubber, uncured scrap rubber, uncured in-process materials, and the rubber hydrocarbon content of master-batches or compounds of new RHC.

(f) "Reclaimed rubber" means any material derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

MANUFACTURING REGULATIONS

§ 338.72 *Mandatory consumption of synthetic rubber.* No person shall manufacture any product listed in § 338.85 in

any type and size listed in that section unless it conforms with the synthetic rubber specifications designated in that section for that product. The synthetic rubber used to satisfy the mandatory requirements of § 338.85 shall be that produced by the Government or for its account, or purchased from others by the Government for resale by the Government or for its account. Where specifications for tires, tubes and flaps provide for a group average or tolerance such group average or tolerance must be balanced out each calendar month.

(a) *Military orders.* The provisions of § 338.85 shall not be applicable to orders manufactured for the National Military Establishment.

§ 338.73 *Exception for experimental purposes.* Notwithstanding the provisions of § 338.72, any person may use up to a total of 2,000 lbs. of natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires and tubes for which specifications are provided in § 338.85.

IMPORT RESTRICTIONS

§ 338.74 *Restrictions on importation of rubber products.* (a) For the purpose of this subpart, "Import" means to transport in any manner from any foreign country into the continental United States or into any territory or possession of the United States. It does not include shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States for trans-shipment to any foreign country.

(b) No person shall import any product listed in § 338.85 except where:

(1) The importation of any such product is made by diplomatic representatives of any foreign government for their personal use or the use of members of their staffs, or by commercial representatives of any foreign government for use in their official business; or

(2) The importation by any person of any such products is accompanied by a certificate to be furnished to the Collector of Customs at the port of entry, substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached, as noted therein, were manufactured in accordance with specifications for such products, contained in Office of Domestic Commerce, Allocation Order R-1, § 338.85.

(Date)

(Signature of Importer)

REPORTS, VIOLATIONS, APPEALS AND COMMUNICATIONS

§ 338.75 *Reports of rubber consumption and stocks.* Every person who consumed or owned at any time during any month any type of rubbers listed below in an amount in pounds equal to or in excess of the amounts specified below, shall file a monthly report on Form ODC-3410 with the Rubber Division, Office of Domestic Commerce, Department of Commerce, in accordance with the instructions accompanying the form. This re-

port form covers consumption, stocks, receipts, production and shipments.

Types	Amount pounds
Natural rubber.....	15,000
Natural rubber latex (dry latex solids).....	5,000
Reclaimed rubber.....	10,000
GR-S (all types including GR-S latex) ¹	15,000
Butyl (GR-I), all types ¹	10,000
Neoprene (all types, including neoprene latex) ¹	5,000
Butadiene-Acrylonitrile types ¹	5,000

¹ Includes all types whether obtained from Government or other sources, including imports.

No monthly report need be filed as to any of these types of rubbers if both rubber consumed and rubber owned were each less than the amounts specified above for the particular types of rubbers.

§ 338.76 *Other reports.* (a) Every person who, during the calendar year, consumed or owned amounts of any of the types of rubber listed in § 338.75, in excess of the amount shown for any type, and who has not reported those types of rubber on Form ODC-3410 for all months of the calendar year, shall file an annual report covering consumption and stocks in accordance with the instructions accompanying the annual report form. This report shall be made on a form designated by the Office of Domestic Commerce and shall be filed not later than January 31 following the year being reported.

(b) Each manufacturer of tires, tubes, flaps and camelback shall file a report on his production, shipments and inventory for each calendar month on Form ODC-3438 with the Rubber Division, in accordance with the instructions accompanying the form. Production shall be reported separately for both military and non-military production.

(c) Each manufacturer of tires shall file a report of his production of cured tires for each week on Form ODC-4231 with the Rubber Division, in accordance with the instructions accompanying the form.

(d) Any person may be required to file such other reports as may be needed subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 338.77 *Violations.* Any person who wilfully violates any provision of this subpart, or who in connection with this subpart wilfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States Government is guilty of a felony, and upon conviction may be punished by fine or imprisonment.

§ 338.78 *Appeals.* Appeals for relief or exemption from any of the provisions of this subpart or ODC actions thereunder, shall be made in accordance with §§ 336.51-336.61 (Allocation Regulation 3), by filing a letter in triplicate with the Rubber Division, specifying the particular provisions appealed from, stating fully the grounds for the appeal, specifying the precise relief desired, and the reasons why the denial of the appeal would result in undue and excessive hardship not suffered by others similarly situated or result in improper discrimination.

§ 338.79 *Communications.* All appeals, all reports to be filed under this subpart and all communications concerning this subpart shall be addressed to: Rubber Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref: R-1.

SYNTHETIC RUBBER SPECIFICATIONS

§ 338.85 *Synthetic rubber specifications for certain products—(a) Tires.* All tires, in any size and type listed below, shall contain GR-S in at least the percentage designated below.

Tire groups—size and type	Percent GR-S to total new RHC	
	Minimum group average	Minimum individual tire
1. All tires below 11.00 down to and including 8.25, except tractor, implement, industrial pneumatic, airplane, and wire tires.	3.0	1.0
2. All truck 7.50 and down (including 15" and 16" diameter). All passenger and industrial 6.25 (old size), 7.10 (new size) and up.	23.0	11.0
3. All passenger, implement and industrial 6.00 (old size), 6.70 (new size) and down. All motorcycle and front farm tractor.	68.0	42.0
4. Bicycle, whitewall balloon sizes.	13.0	5.0
5. Bicycle, other balloon sizes.	65.0	40.0
6. Rear farm tractor and all other implement.	80.0	55.0

NOTE: The above Group averages for Groups 1, 2, or 3 may be reduced by not more than three (3) points, provided the aggregate GR-S consumption in these Groups equals the total amount of GR-S which would have been consumed if calculated on the above minimum group averages for Groups 1, 2 and 3.

(b) *Tire tubes—(1) Minimum GR-I content.* (i) In all types of tubes 6.00, 6.25, 6.50 old sizes and 6.70, 7.10, and 7.60 new sizes of 15" and 16" diameter, the new RHC shall be one hundred percent (100%) GR-I (butyl); (ii) in all truck and bus tubes 9.00 and down (except 15" and 16" diameter, 7.00 through 7.50 old sizes and 7.60 through 8.90 new sizes) the new RHC shall be one hundred percent (100%) GR-I (butyl).

(2) *Exceptions.* (i) Up to 20% of the tubes manufactured by any person in each of the groups mentioned above may be made without restriction. Natural rubber tubes made within this tolerance and materials consumed shall be charged to and reported by the manufacturer for whose account the tubes are made and are not chargeable to a manufacturer who is producing tubes for another manufacturer. Reports of material consumed and units produced shall be made in accordance with §§ 338.75 and 338.76 of this subpart. (ii) Airplane, double air chamber, plastic sealing, and compression safety tubes in all sizes may be made without restriction.

(3) *Markings on tire tubes.* Every tire tube containing synthetic rubber, whether listed above or not, shall be marked by the manufacturer with a light-blue permanent circumferential colored stripe, approximately $\frac{3}{8}$ " wide, applied on the base section of the tube.

(c) *Tire flaps.* All tire flaps made for tires 10.00 cross section or smaller shall contain, as a group, GR-S in an amount

equal to 45% of the total new RHC used for the group. No individual flap in this group shall contain less than 6% GR-S of the total new RHC.

(d) *Camelback.* Camelback made for tires smaller than size 8.25 with less than $5\frac{3}{4}$ " crown width and $1\frac{1}{32}$ " gauge shall contain 100% GR-S of the total new RHC.

SUBPART—USE AND EFFECT OF CERTIFIED EXPORT ORDERS FOR NITROGENOUS FERTILIZER MATERIALS (1948-49 EXPORT PROGRAM)

[Allocation Order N-1]

AUTHORITY: §§ 338.91 to 338.103 issued under Pub. Laws 188, 606, 80th Cong. E. O. 9841, Apr. 23, 1947, 12 F. R. 2645. Materials Control Reg. 1, as amended May 7, 1948, 13 F. R. 2508.

PURPOSE

§ 338.91 *Purpose.* This subpart explains how the Office of Domestic Commerce, Department of Commerce, will give export priorities assistance for carrying out the 1948-49 nitrogenous fertilizer materials export program. This includes assistance to exporters for getting the materials for export and also assistance to converters for getting anhydrous ammonia needed to fill orders from exporters, if the converters do not produce anhydrous ammonia themselves. The 1948-49 export program is for the shipment of nitrogenous fertilizer materials containing 61,287 short tons of nitrogen, broken down by countries as shown in Table 1 below. The program is based upon international distribution recommendations made by the International Emergency Food Committee of the United Nations. Under these recommendations the United States participation consists of the exports mentioned above (which are the same as for last year) and of imports representing 199,004 short tons of nitrogen (an increase of 11,000 short tons over last year). One-half of the export requirements are to be supplied from Army production, pursuant to Public Law 606, 80th Congress and Public Law 793, 80th Congress.

ASSISTANCE FOR EXPORTERS

§ 338.92 *How exporters get assistance.* Export priorities assistance for exporters will consist of authorization to place CXN certified export orders for their materials, which will give such orders the preferential status explained in § 338.96. Except for exports to Canada, this authorization will be issued, upon behalf of ODC, by the Office of International Trade in connection with the issuance of the related export licenses, and exporters desiring to obtain such priorities assistance should apply by letter to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref.: Order N-1. In these cases authorization to use the symbol CXN will not be given except where an export license is also given. For priorities assistance on exports to Canada, exporters should apply by letter to the ODC.

§ 338.93 *How exporters use the symbol CXN.* (a) When an exporter has been authorized in writing by the Office of International Trade to use the symbol CXN on purchase orders for specified quanti-

ties of nitrogenous fertilizer materials, he should place on his purchase order the symbol CXN, the export license number given by the Office of International Trade, and the country of destination. In addition, he should furnish to his supplier a certificate, signed manually or as described in Allocation Regulation 1 (§§ 336.1 to 336.20 of this chapter), in substantially the following form:

I certify, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the nitrogenous fertilizer materials covered by this purchase order are within the quantity which the Department of Commerce has authorized me to purchase by orders identified with the symbol CXN for shipment to the specified country of destination, under the export license number specified.

In the case of CXN authorizations for export to Canada, the exporter will not supply an export license number and should delete from his certificate the words "under the export license number specified."

(b) Exporters who have received authorization to place CXN certified orders for ammonium nitrate should communicate with the ODC for instructions as to placing such orders. These instructions will be based upon the quantities and time schedules for ammonium nitrate to be made available by the Department of the Army under existing law. CXN certified orders for other types of nitrogenous fertilizer materials authorized may be placed with producers of the particular materials or agents of such producers. When an order bearing the symbol CXN and the certificate is placed with a producer's agent, it has the same effect as though it had been placed with the producer.

ASSISTANCE FOR CONVERTERS

§ 338.94 *How converters get assistance.* Export priorities assistance for converters will consist of authorization by ODC to place certified orders for anhydrous ammonia needed to fill CXN certified orders received by them from exporters. A "converter" is a person who produces nitrogenous fertilizer materials but does not make any of the nitrogen used in such production.

When a converter has received a CXN certified export order, he should notify the ODC by letter, stating the name of the purchaser, the export license number, the country of destination, the quantity of material ordered, the quantity of anhydrous ammonia needed, and the date by which it should be delivered in order to fill the CXN export order. The ODC will then issue to the converter an authorization to place certified orders for an approved quantity of anhydrous ammonia to the extent available, and will specify whether the ammonia is to be obtained from commercial sources or from Army Ordnance plants.

§ 338.95 *How converters use export preference certificates.* When a converter has been authorized, in writing, to place a certified export order for specified quantities of anhydrous ammonia, he should place on his purchase order, a certificate, signed manually or as prescribed in Allocation Regulation 1

(§§ 336.1 to 336.20), in substantially the following form:

I certify, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the anhydrous ammonia covered by this purchase order is within the quantity which the Office of Domestic Commerce has authorized me to purchase by certified export orders in accordance with Order N-1.

EFFECT OF CERTIFIED EXPORT ORDERS

§ 338.96 *Effect of certified export orders.* Any purchase order for fertilizer material or for anhydrous ammonia certified under this subpart and placed with a commercial supplier must be treated as a certified export order under Allocation Regulation 2 (§§ 336.31 to 336.40), and must be accepted, scheduled and delivered accordingly. The rules of Allocation Regulation 2 apply, except to the extent that this subpart is inconsistent with these rules. Section 338.97 contains certain special rules which limit the effect of such certified orders under this subpart. In the case of certified purchase orders placed with the Department of the Army, the certification serves to identify the orders as eligible for materials to be made available by that Department under existing law.

§ 338.97 *Limitation on the effect of certified orders.* The effect of certified export orders is subject to the following limitations intended to minimize their impact upon domestic needs. These limitations apply in all cases, except where otherwise directed by ODC because of special circumstances.

(a) *Time limit on placing certified orders.* Purchase orders for the export of fertilizer materials certified under this subpart must be placed with the supplier of the material (a converter or other manufacturer) no later than the close of business on December 15, 1948. Purchase orders certified under this subpart for anhydrous ammonia, required to manufacture the certified export order for the fertilizer materials, must be placed with a producer of anhydrous ammonia no later than the close of business on December 31, 1948. All authorizations heretofore issued by OIT and ODC to place certified orders either for the purchase of nitrogenous fertilizer materials or for the purchase of anhydrous ammonia are hereby revalidated, irrespective of the deadline date in effect at the time the authorization was issued. Certified purchase orders for the export of fertilizer materials placed after the close of business on December 15, 1948 and certified orders for anhydrous ammonia placed after the close of business on December 31, 1948, need not be treated as certified orders by the person with whom they are placed.

(b) *Limit to 30% of production in any month.* No commercial supplier need deliver against certified orders in any month more than 30% of his total production of the particular type of material in that month. A certified purchase order calling for more than such 30% of the supplier's total production may not be totally rejected by the supplier for that reason. The order must be accepted and filled up to an amount which, either alone, or when added to other certified orders totals the 30% limit. Any bal-

ance over and above such amount need not be treated as part of the certified order.

(c) *Ceiling on orders against producers.* Except in the case of a converter, no producer of nitrogenous compounds (including anhydrous ammonia) or other nitrogenous fertilizer materials need accept purchase orders certified under this subpart calling for more nitrogen than 3.25% of his total production of nitrogen (in all forms) during the fertilizer year July 1, 1947-June 30, 1948, if he was in production during the whole of that year. A certified purchase order for nitrogenous compounds (including anhydrous ammonia) or other nitrogenous fertilizer materials, which calls for more than 3.25% of the producer's total production of nitrogen (in all forms) during the fertilizer year July 1, 1947-June 30, 1948, may not be totally rejected by the producer for that reason. It must be accepted and filled by him up to an amount which, either alone or when added to other certified orders totals the 3.25% limit. Any balance over and above such amount need not be treated as part of the certified order.

If such producer of nitrogenous compounds was not in production during the whole of that year, he may request the ODC to establish an appropriate ceiling based on production estimates, in order to limit his general obligation to accept and fill certified orders placed with him.

(d) *Producers from by-product hydrogen.* Because of specialized industrial conditions, persons who produce anhydrous ammonia from by-product hydrogen resulting from electrolytic-cell operations need not accept certified orders under this direction.

REVALIDATION OF CERTIFIED ORDERS ALREADY PLACED

§ 338.98 *Revalidation of certified orders already placed.* Irrespective of the deadline date of October 31, 1948 specified in Direction 4A to AR 2, as issued on July 22, 1948, any certified purchase order for the export of fertilizer materials and any certified order for anhydrous ammonia, which has been placed with a commercial supplier prior to November 22, 1948, must be treated by the supplier as a certified export order and must be accepted, scheduled and delivered accordingly, subject to the limitations specified in § 338.97 (b) and (c).

GENERAL PROVISIONS

§ 338.99 *Assistance in finding suppliers.* If any exporter authorized to use the symbol CXN is unable to find a supplier to accept his order, he may apply to the ODC which will, wherever possible, refer him to other suppliers who have available supplies.

§ 338.100 *Delegation.* The Office of International Trade, Department of Commerce, may, upon behalf of the ODC, authorize exporters to use the symbol CXN under this subpart on purchase orders for nitrogenous fertilizer materials for export (except exports to Canada) but only to the extent and under the conditions authorized by the ODC in writing and transmitted to the Office of International Trade. The Office of In-

ternational Trade may exercise this authority through such of its officials as the Director of that Office may determine.

§ 338.101 *Appeals.* Any appeal for relief or exemption from the provisions of this subpart shall be made in accordance with §§ 336.51-336.61 (Allocation Regulation 3), by filing a letter in triplicate referring to the particular provision appealed from, the precise relief desired and stating fully the grounds of the appeal and the reasons why a denial of the appeal would result in an undue and excessive hardship on appellant, not suffered by others similarly situated or result in improper discrimination.

§ 338.102 *Reports.*—(a) *From persons placing certified orders.* Whenever any person places a certified order under this subpart, he must immediately notify ODC, in writing, of the names of the suppliers, the tonnages ordered, and the months specified for delivery.

(b) *From producers.* Producers (including converters) of nitrogenous compounds (including anhydrous ammonia) or of nitrogenous fertilizer materials must file such reports as may be required, with the ODC, subject to the approval of the Bureau of the Budget.

§ 338.103 *Communications.* Except as otherwise specifically stated in this subpart all communications regarding this subpart, and all reports under this subpart, should be addressed to the Chemicals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: Order N-1.

TABLE I, 1948-49 NITROGENOUS FERTILIZER MATERIALS EXPORT PROGRAM

Country of destination:	Export quantities (short tons of nitrogen)
Canada.....	1, 102
China and Formosa.....	17, 471
France and Empire.....	12, 015
Greece.....	3, 858
India.....	4, 409
Netherlands.....	10, 050
Netherlands East Indies.....	1, 249
Philippines.....	3, 417
Latin America.....	7, 716

Total export program..... 61, 287

SUBPART—DISTRIBUTION OF ARMY ANHYDROUS AMMONIA

[Allocation Order D-1]

PURPOSE

AUTHORITY: §§ 338.111 to 338.116 issued under Pub. Law 793, 80th Cong. Materials Control Reg. 1-A, 13 F. R. 3661.

§ 338.111 *Purpose.* (a) This subpart explains how the Department of Commerce, acting through the Office of Domestic Commerce, will direct the distribution of Army anhydrous ammonia for the balance of the fertilizer year, October 1, 1948, to June 30, 1949. "Army anhydrous ammonia" means anhydrous ammonia made available by the Department of the Army for the commercial production of nitrogenous fertilizer materials for domestic use, pursuant to the following provision in section 205 of Title II of Public Law 793, 80th Congress (Foreign Aid Appropriation Act, 1949), approved June 28, 1948:

* * * In addition, the Department of the Army shall make available, for the commercial production of nitrogenous fertilizer materials for domestic use, 10 per centum of the total anhydrous ammonia produced in the United States in plants operated by or for the Department of the Army, said anhydrous ammonia to be distributed as directed by the Department of Commerce, which shall give preference, in distributing said anhydrous ammonia, to producers of ammonium sulphate who were producing ammonium sulphate during the six months preceding the enactment of this Act or who shall have ceased to produce, or shall be faced with an imminent shutdown in the production of, ammonium sulphate for want of anhydrous ammonia, to the extent necessary to permit such producers to operate. * * *

(b) This subpart does not deal with anhydrous ammonia made available by the Department of the Army for production of nitrogenous fertilizer materials for export, under Public Law 606, 80th Congress. Such distribution is provided for under Allocation Order N-1, §§ 338.91 to 338.103, inclusive.

DISTRIBUTION POLICIES

§ 338.112 *ODC distribution policies.* While the expected quantity of Army anhydrous ammonia is substantial, it represents only a small part of the total domestic supply and will meet only a small part of the total demand for use in fertilizer production. ODC distribution of this limited quantity of Army anhydrous ammonia will be based upon the requirements of section 205 of Public Law 793, as quoted above.

Distribution will be made on a quarterly basis, beginning with the fourth calendar quarter of 1948 and extending through the second calendar quarter of 1949.

(a) *Statutory preference distribution to certain producers of ammonium sulphate.* For the purposes of this subpart, the term "producer of ammonium sulphate" means a person regularly engaged in the business of producing and selling a commercial fertilizer product composed chiefly of ammonium sulphate and containing not less than 20.5% of nitrogen; and the term "selling" ("or sale") does not include transactions with plants affiliated with a producer.

(1) As required by section 205 of Public Law 793 preference in distribution will be given to the following classes of producers of ammonium sulphate, who will be authorized by ODC to purchase Army anhydrous ammonia to the extent necessary to permit such producers to operate:

(i) Those who were producing ammonium sulphate during the six-month period December 28, 1947-June 28, 1948;

(ii) Those who were producing ammonium sulphate on or prior to June 28, 1948 and ceased commercial production for want of anhydrous ammonia or are faced with an imminent shutdown in the production of ammonium sulphate for want of anhydrous ammonia.

This statutory preference distribution will be made upon the basis of applications submitted as explained in § 338.114 and subject to the conditions set out in § 338.113.

(2) An application from a producer of ammonium sulphate eligible under subparagraph (1) of this paragraph will be approved only for the minimum quantity

of anhydrous ammonia needed to continue or return the particular plant to the production and sale of ammonium sulphate.

(i) Ordinarily, approval will be limited to the quantity which the ODC estimates will, together with other available supplies of anhydrous ammonia, provide for production during the calendar quarter of 75% of the largest quantity of ammonium sulphate produced in the plant during any consecutive two months in the year July 1, 1947-June 30, 1948.

(ii) However, if the applicant conclusively demonstrates to the ODC that the quantity of anhydrous ammonia provided for in subdivision (i) of this subparagraph will not permit him to continue or return to commercial production and sale of ammonium sulphate without serious financial loss, the ODC may make available an additional quantity sufficient to permit operation without such loss.

(iii) In the event that, subsequent to an allocation to it of Army anhydrous ammonia under subparagraph (2) (i) or (ii) of this section, a plant obtains anhydrous ammonia for export purposes under Allocation Order N-1, §§ 338.91 to 338.103 inclusive, the unshipped balance of the Army anhydrous ammonia previously allocated will be correspondingly reduced.

(b) *Distribution of balance.* Any balance of the Army anhydrous ammonia not required for the statutory preference distribution under paragraph (a) of this section will be distributed, to the extent available, to the commercial producers of primary nitrogen who are supplying nitrogen for the civilian export program of 1948-49 either as anhydrous ammonia or in the form of other nitrogenous fertilizer materials.

(1) The following classes of nitrogen producers who are participating in the 1948-49 export program will be eligible for a distribution:

(i) Primary producers of anhydrous ammonia who manufacture solid nitrogenous fertilizer materials or who regularly sell anhydrous ammonia.

(ii) Primary producers of by-product sulphate who will use anhydrous ammonia for increasing their output of ammonium sulphate.

(2) The distribution of Army anhydrous ammonia for the balance of the current fertilizer year (July 1, 1948 to June 30, 1949) will be made to the above classes of nitrogen producers in quantities proportionate to the amounts of nitrogen which they are to supply for the export program during the current fertilizer year under Allocation Order N-1, §§ 338.91 to 338.103, inclusive.

§ 338.113 *Conditions.* Every distribution made under this section is made subject to the condition that the applicant agrees:

(1) To comply with the sales terms for Army anhydrous ammonia established by the Department of the Army as to price, payment, point of delivery, etc.

(2) To unload, promptly after arrival, the tank car(s) used to ship the Army anhydrous ammonia to the applicant's plant.

(3) In the case of producers of ammonium sulphate receiving preference distribution under § 338.112 (a) of this subpart, to use the Army anhydrous ammonia only at the plant covered by the application and only for the production and sale of ammonium sulphate for domestic fertilizer use.

(4) In the case of producers of primary nitrogen, receiving distribution under § 338.112 (b), to use or sell the tonnage of Army anhydrous ammonia or an equivalent quantity for the production of a corresponding additional quantity of solid nitrogenous fertilizer materials suitable for direct application to domestic crops.

(5) To comply with any further conditions established by the ODC, in approving the application, in order to carry out the objectives of section 205 of Public Law 793.

APPLICATION PROCEDURE

§ 338.114 *How to apply for distribution.* Distribution of Army anhydrous ammonia under this section will be made on a calendar quarterly basis starting with the fourth calendar quarter of 1948. Applications are to be made by letter, in duplicate, and must be received by ODC not later than the 10th day of October for the fourth quarter of 1948. For subsequent quarters applications must be received not later than 30 days prior to the first day of the quarter.

(a) *How producers of ammonium sulphate make application for preference distribution.* A producer of ammonium sulphate who is eligible for statutory preference distribution as explained in § 338.112 (a), and who agrees to comply with the conditions of § 338.113, may submit an application to the ODC on a plant basis. In his application he must supply the following information:

(1) The total tonnage of ammonium sulphate produced at that plant during (i) the period July 1, 1947, to June 30, 1948, and (ii) the highest consecutive two months in the period.

(2) The total tonnage of ammonium sulphate sold as such from that plant during the period July 1, 1947, to June 30, 1948, excluding sales to affiliated plants.

(3) The types and total tonnages of other fertilizers and fertilizers materials, if any, produced at the plant during the period July 1, 1947, to June 30, 1948.

(4) The names and locations of other domestic commercial fertilizer or fertilizer materials plants, if any, currently owned or operated by the applicant or affiliated companies or being constructed by either.

(5) The total tonnages, and names of suppliers, of anhydrous ammonia, used by the applicant (including any used under toll agreement) during the period July 1, 1947 to June 30, 1948 (i) at the plant for which application is being made and (ii) at all other domestic commercial fertilizer or fertilizer materials plants, if any, owned or operated by the applicant or affiliated companies.

(6) The quantities of anhydrous ammonia covered by contracts, commitments, position or other arrangements of any kind he has or expects to have with commercial suppliers of anhydrous

ammonia for the quarterly period covered by his application for all domestic commercial fertilizer or fertilizer materials plants owned or operated by the applicant or affiliated companies; the names of such suppliers; the minimum and maximum tonnages of anhydrous ammonia expected to be received during the quarterly period (state months) for the applicant plant; the quantities of anhydrous ammonia on hand at the first day of the quarterly period at the applicant plant.

(7) In addition, persons applying under § 338.112 (a) (2) (ii) should specify the minimum quantity of ammonium sulphate production needed to avoid operation at a serious financial loss during the quarterly period and should support this with appropriate data as to costs, income and operating rates.

(8) Certify his application in substantially the following form:

The undersigned applicant certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the applicant is familiar with the provisions of Allocation Order D-1; that the applicant is a producer of ammonium sulphate as defined in that order; that the applicant agrees to comply with the conditions of § 338.113 of that order and will use any Army anhydrous ammonia made available to him only for the purposes for which it is made available; and that all information supplied in or in connection with this application is true and correct to the best of his knowledge and belief.

(b) *How a producer of primary nitrogen makes application.* Any producer of primary nitrogen who is participating in the 1948-49 export program may make an application for Army anhydrous ammonia under § 338.112 (b). In his application he must:

(1) State that he wishes to participate in the distribution of the balance of Army anhydrous ammonia, and

(2) Certify his application in substantially the following form:

The undersigned applicant certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the applicant is familiar with the provisions of Allocation Order D-1; that the applicant is a producer of primary nitrogen; that the applicant agrees to comply with the applicable conditions of § 338.113 of that order and will use any Army anhydrous ammonia made available to him only for the purpose for which it is made available; and that all information supplied in or in connection with this application is true and correct, to the best of his knowledge and belief.

§ 338.115 *ODC action on application.* The ODC will notify each applicant, in writing, as to whether his application has been approved or denied. In approved cases, the ODC will notify the applicant how to place his orders with the Department of the Army and will issue appropriate directives to the Department of the Army.

§ 338.116 *Appeals.* Any appeal for relief or exemption from the provisions of this subpart shall be made in accordance with §§ 336.51-336.61 (Allocation Regulation 3), by filing a letter in triplicate referring to the particular provision appealed from and the precise relief desired, and stating fully the grounds of

the appeal and the reasons why a denial of the appeal would result in undue and excessive hardship on the appellant not suffered by others similarly situated or would result in improper discrimination.

§ 338.117 *Violations.* Any person who wilfully violates any provision of this subpart, or who in connection with this subpart wilfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment, or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under allocation control.

COMMUNICATIONS

§ 338.118 *Communications.* All communications regarding this subpart, all reports and appeals, and all applications filed under this subpart, should be addressed to: Chemicals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: D-1.

NOTE: The reporting requirements of Parts 334, 336, and 338 have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

The foregoing comprising Part 334, §§ 334.1 to 334.29; Part 336, §§ 336.1 to 336.20, 336.31 to 336.40, 336.43, 336.45, 336.51 to 336.61; Part 338, §§ 338.1 to 338.14, 338.20 to 338.25, 338.31 to 338.39, 338.45, 338.46, 338.51 to 338.61, 338.71 to 338.79, 338.85, 338.91 to 338.103, 338.111 to 338.118, shall be effective January 1, 1949.

Issued this 27th day of December 1948.

[SEAL] OFFICE OF DOMESTIC
COMMERCE,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 48-11423; Filed, Dec. 28, 1948;
11:34 a. m.]

[3d Gen. Rev. of Export Regs. Amdt. 32]

PART 371—GENERAL REGULATIONS

EXPORT CONTROL DOCUMENT AND PROCEDURE FOR AUTHENTICATION

1. Section 371.1 *Definitions* is amended in the following particulars:

Paragraph (c), "Export control document", is amended by adding thereto a new unnumbered paragraph to read as follows:

"Export control document" also means the following documents: Customs Form 3139, 'Application for Identification Card of Authorized Forwarding Agent or Exporter' and Customs Form 3141, 'Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof.'

2. Section 371.7a *Authenticated shipper's export declaration* is amended in the following particulars:

Subparagraph (9), of paragraph (a) *Procedure for authentication*, is amended to read as follows:

(9) Any collector of customs may, with the prior approval of the Office of International Trade, institute and maintain any procedure for the presentation

for authentication of shipper's export declarations, which shall provide in each case for the proper identification, and recording of the identity of the individuals who sign such declarations and who appear before the collector for such purpose.

Collectors of customs are specifically authorized to institute and maintain the following procedure for identification of persons submitting or presenting declarations to the collector:

An exporter (licensee) effecting exportations without the services of a forwarding agent shall make application for and obtain from the appropriate collector of customs an identification card, as herein described, for each of his officers or employees who submit or present shipper's export declarations or licenses. Where a forwarding agent is employed by an exporter the forwarding agent shall similarly apply for and obtain an identification card for each of his officers or employees who submit or present shipper's export declarations or licenses on behalf of an exporter. In addition, carriers, not otherwise acting as forwarding agents, who may, as provided in § 371.7a (a) (7), deliver executed declarations without specific authorization therefor, shall similarly apply for and obtain such identification cards. Applicants for identification cards shall be responsible for all shipper's export declarations executed and submitted in their names to collectors of customs through use of the identification card. Such card may be used only in the Customs district for which issued, by the person to whom issued, and is not transferable. Application must be made on Customs Form 3139, 'Application for Identification Card of Authorized Forwarding Agent or Exporter' and the identification card to be issued shall be Customs Form 3141, 'Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof'.¹

In the case of exporters not regularly engaged in making exportations, collectors of customs may waive the identification card requirement where they are otherwise satisfied that the person submitting or presenting the shipper's export declaration is in fact the exporter (licensee) or is acting for and on behalf of such exporter.

Wherever the identification card procedure is instituted and maintained it shall supersede any existing requirement of the collector of customs for filing a form of power of attorney executed by an exporter or forwarding agent, as the case may be, authorizing his officers or employees to sign, swear to or submit declarations.²

¹ The two forms and Bureau of Customs Circular Letter of October 29, 1948 concerning this procedure, were published in Current Export Bulletin 497. Copies of the Bulletin were filed with the Division of the Federal Register simultaneously with this amendment.

² The power of attorney above referred to is the form "Power of Attorney to Execute Shipper's Export Declarations" published in Current Export Bulletin 482, dated September 15, 1948, or a form of similar import. Copies of the Bulletin were filed with the Division of the Federal Register simultaneously with Amendment 22.

This amendment shall become effective October 29, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: December 22, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-11318; Filed, Dec. 28, 1948;
9:05 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 13]

**PART 399—POSITIVE LIST OF COMMODITIES
AND RELATED MATTERS**

CORN AND RYE GRAINS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

There is added a qualifying footnote reference meaning "May be exported under general license to the Philippine Islands and to all destinations in North and South America as listed in Schedule C of the Bureau of the Census", with respect to the following commodities:

Dept. of Comm. Sched. B No.	Commodity
	Grains and preparations:
103100	Corn for seed, except popcorn.
103100	Corn, other, except popcorn.
106100	Rye, except seed.
106100	Rye for seed.
109900	Rye flour.

This amendment shall become effective December 24, 1948.

Dated: December 14, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-11317; Filed, Dec. 28, 1948;
9:05 a. m.]

TITLE 29—LABOR

**Subtitle A—Regulations of the
Secretary of Labor**

Chapter IV—Child Labor Branch

**EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS,
1949 EDITION**

In order to conform Subtitle A and Chapter IV of Subtitle B of Title 29 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER:

1. In Part 01, §§ 01.1, 01.2, and 01.3 are deleted and § 01.4 is redesignated as § 2.8 of Part 2.

2. The entire Part 02 is deleted.

3. In Part 1, § 1.23 is amended to read as follows:

§ 1.23 *Delegation to the Assistant Secretary of Labor and to the Solicitor of Labor.* The Secretary of Labor in General Order 41 dated November 22, 1948 has delegated to Assistant Secretary of Labor Ralph Wright and the Solicitor of Labor severally the duties with which he is charged by the Davis-Bacon Act, as amended, section 212 (a) of the National Housing Act, as amended, section 15 (b) of the Federal Airport Act, and the Hospital Survey and Construction Act.

4. In Part 2:

(a) The codification of §§ 2.001 through 2.009 is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

b. Section 2.4 is deleted and §§ 2.5 through 2.8 are redesignated as §§ 2.4 through 2.7, respectively.

c. The headnote of renumbered § 2.4 is revised to read: "§ 2.4 *Form to be used in filing reports; information received under sections 9 (f) and (g) and 211 (a) of the Labor-Management Relations Act, 1947.*"

d. Renumbered § 2.4 is amended by adding the following as paragraph (a) and changing the present paragraphs (a) and (b) to (b) and (c), respectively: (a) The forms for filing of organizational and financial reports by labor organizations under sections 9 (f) and (g) of the Labor-Management Relations Act of 1947, may be obtained from the Department of Labor, Washington, D. C.

5. The headnote of Part 3 is amended to read: "Part 3—Anti-Kickback Regulations."

6. Part 4 and Part 5 are revoked.

7. Part 7 has been incorporated as paragraph (a) of § 2.4.

8. The codification of Part 400, Procedures and Substantive Rules, is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

Signed at Washington, D. C., this 22d day of December 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-11306; Filed, Dec. 28, 1948;
9:02 a. m.]

**Chapter V—Wage and Hour Division,
Department of Labor**

**EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS,
1949 EDITION**

In order to conform Chapter V of Title 29, Subtitle B, to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER.

1. The codification of Parts 500, 501, and 502 is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. The codification of the following parts is discontinued:

551	590	614	634
553	592	615	635
557	594	616	636
558	595	618	637
559	600	619	638
561	601	620	639
562	602	622	640
563	604	623	641
566	606	624	642
574	608	626	643-653,
575	609	627	inclusive
585	610	629	658
586	611	630	666
587	612	631	679
589	613	632	

3. Part 596 is amended as follows:

a. The words "manufactured coconut" are deleted from the headnote of the part and from §§ 596.1 and 596.3.

b. Paragraph (b) is deleted from § 596.2, and paragraph (c) is relettered accordingly.

c. Section 596.4 is amended by deleting the words "manufactured cocoanut" from the headnote of the section, deleting paragraph (b) and relettering paragraph (c) accordingly.

4. Part 597 is amended as follows:

a. The designation of the part is amended to read as follows:

Part 597—Bay oil, bay rum and aromatic alcohol industry in Puerto Rico and mattress, quilt, and pillow industry in Puerto Rico, minimum wage orders.

b. Section 597.1 is revised to read as follows:

§ 597.1 *Approval of recommendations of industrial committee.* The Committee's recommendations for the mattress, quilt, and pillow industry and the bay oil, bay rum and aromatic alcohol industry are hereby approved.

c. Section 597.2 is amended by deleting therefrom the first, second, third, fourth, seventh and eighth paragraphs.

d. Section 597.3 is amended by deleting the words "cigarette; cigar; full-fashioned hosiery; hair net; and raffia handbag"; and inserting the word "and" between "mattress, quilt and pillow" and "Bay oil, bay rum and aromatic alcohol."

e. The codification of § 597.4 is discontinued.

f. Section 597.5 is renumbered as § 597.4 and the section is amended to read as follows:

§ 597.4 *Definition of the mattress, quilt and pillow and the bay oil, bay rum and aromatic alcohol industries in Puerto Rico.* The industries to which this part shall apply are hereby defined as follows: "Mattress, quilt and pillow industry": The manufacture of mattresses, quilts and pillows from any material. "Bay oil, bay rum and aromatic alcohol industry": The manufacture of bay oil, bay rum and aromatic alcohol.

Signed at Washington, D. C., this 17th day of December 1948.

WM. R. McCOMB,
Administrator.

[F. R. Doc. 48-11308; Filed, Dec. 28, 1948;
9:02 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard: Department of the Treasury

Subchapter H—Routes for Passenger Vessels

[CGFR-48-56]

PART 105—NORTH ATLANTIC PASSENGER ROUTES

The purpose of reissuing the regulations regarding North Atlantic passenger routes is to effect editorial changes necessary to bring them up to date and to re-describe the procedures regarding imposition of fines and to transfer this function from the collector of customs to the Coast Guard district commander, since Coast Guard facilities are now able to handle this function.

By virtue of the authority vested in me as Secretary of the Treasury by R. S. 161 (5 U. S. C. 22) and sec. 3, 49 Stat. 1923 (46 U. S. C. 738b), the following amendments to the regulations are prescribed to become effective upon publication in the FEDERAL REGISTER.

Part 105 (formerly Part 3) is amended to read as follows:

- Sec.
- 105.01 Passenger vessel defined.
 - 105.05 Filing notice of ship routes.
 - 105.10 Designation of ship route.
 - 105.15 Notices deemed public documents; posting of notice in customhouse.
 - 105.20 Posting copy of notice on vessel.
 - 105.25 Report of deviation from ship route.
 - 105.30 Penalty for violation of regulation.
 - 105.35 Communication of violation to Coast Guard District Commander.
 - 105.40 Procedure on violation.

AUTHORITY §§ 105.01 to 105.40 issued under R. S. 161; 5 U. S. C. 22 and sec. 3, 49 Stat. 1923; 46 U. S. C. 738b.

§ 105.01 *Passenger vessel defined.* For the purpose of this part, a vessel shall be deemed to be a passenger vessel if it carries more than twelve passengers.

§ 105.05 *Filing notice of ship routes.* The owner or operating agent of any passenger vessel of the United States crossing the North Atlantic Ocean shall file with the collector of customs of the home port of such vessel, and, if the United States port from which such vessel sails is different from the home port, with the collector of customs at that port, notice of the ship routes which he proposes such vessel will follow on its east-bound and west-bound crossings. Such notice or notices shall be filed prior to the first sailing of the vessel from a port of the United States. Upon any subsequent North Atlantic voyage of such vessel beginning at the same port in the United States, no further notice shall be required if it is proposed that the vessel will follow the same routes, but whenever it is proposed that such vessel, when crossing the North Atlantic Ocean, will sail from a port in the United States other than that specified in the last previous notice, or will follow a route or routes different from the route or routes specified in such last notice, notice of the proposed route or routes shall be filed, as aforesaid, before the vessel sails.

§ 105.10 *Designation of ship route.* The proposed route of any passenger ves-

sel of the United States crossing the North Atlantic Ocean shall, whenever practicable, be designated in any notice required hereby in the terms used to designate the North Atlantic Lane Routes, as established by the proper authorities. Such route shall avoid, as far as practicable, the fishing banks of Newfoundland, north of latitude forty-three degrees north during the fishing season; and shall, as far as circumstances will permit, pass outside of regions reported or known to be endangered by ice.

§ 105.15 *Notices deemed public documents; posting of notice in customhouse.* All notices of proposed ship routes filed with collectors of customs shall be considered public documents and copies thereof shall, while effective, be continuously posted by the respective collectors of customs in a place in the customhouse to which the public has free access.

§ 105.20 *Posting copy of notice on vessel.* The owner or operating agent of any passenger vessel of the United States crossing the North Atlantic Ocean shall cause a copy of the proposed ship routes of the vessel to be continuously posted, while effective, in a public place in the passenger space of the vessel.

§ 105.25 *Report of deviation from ship route.* If the master of any passenger vessel of the United States crossing the North Atlantic Ocean finds it necessary for any reason during the course of a voyage to deviate more than 20 nautical miles from the proposed ship route of such vessel, he shall be required by the owner or operating agent of such vessel, as soon as he arrives in the United States, to report such deviation to the collector of customs of the home port of such vessel and, if the United States port from which such vessel sailed is different from the home port, to the collector of customs at that port, together with a written statement explaining the necessity for such deviation.

§ 105.30 *Penalty for violation of regulation.* For each violation of section 3 (a) of the act of June 25, 1936, or of any provision of §§ 105.05, 105.10, or 105.20, the owner, or operating agent, of the passenger vessel involved in such violation shall be liable to a fine of not exceeding \$100.

§ 105.35 *Communication of violation to Coast Guard District Commander.* Information with respect to a violation or possible violation of section 3 (a) of the act of June 25, 1936, or of this part coming into the possession of any officer or employee of the Treasury Department shall be communicated promptly to the commander of the Coast Guard district within which the home port of the vessel is located or if the United States port from which the vessel sailed is different from the home port, to the commander of the Coast Guard district within which that port is located.

§ 105.40 *Procedure on violation.* The district commander receiving information with respect to a violation of section 3 (a) of the act of June 25, 1936, or of this part shall make an investigation to determine the actual facts involved. If after such investigation the district commander determines a prima facie viola-

tion of section 3 (a) of the act of 25 June 1936, or of any provision of §§ 105.05, 105.10 or 105.20 has occurred, he shall follow the procedure in 46 CFR, 2.50-20.

Dated: December 21, 1948.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-11319; Filed, Dec. 28, 1948; 8:58 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Subtitle A—Secretary of Defense

INCORPORATION OF RENEGOTIATION ACT OF 1948 IN CONTRACTS FOR PROCUREMENT OF AIRCRAFT AND AIRCRAFT PARTS

Pursuant to the authority vested in me by Section 401 of Public Law 785 (80th Congress), I hereby adjudge that it is in the best interests of the United States, and, accordingly, I direct the inclusion of a clause incorporating the Renegotiation Act of 1948 in all contracts for the procurement of aircraft and aircraft parts entered into by or on behalf of the Department of the Navy or the Department of the Air Force, which obligate any funds made available for obligation in the fiscal year 1949.

(Sec. 401, Pub. Law 785, 80th Cong.)

JAMES FORRESTAL,
Secretary of Defense.

JULY 1, 1948.

[F. R. Doc. 48-11401; Filed, Dec. 28, 1948; 9:08 a. m.]

Chapter IV—Joint Regulations of the Armed Forces

INCORPORATION OF RENEGOTIATION ACT OF 1948 IN CONTRACTS FOR PROCUREMENT OF AIRCRAFT AND AIRCRAFT PARTS

CROSS REFERENCE: For directive of the Secretary of Defense with regard to the inclusion of a clause incorporating the Renegotiation Act of 1948 in all contracts for the procurement of aircraft and aircraft parts, see Subtitle A of this title, *supra*.

Subchapter D—Military Renegotiation Regulations

NOTE: In an effort to inform contractors and subcontractors at the earliest possible date of their duties and obligations under the Renegotiation Act of 1948, it has been decided to publish the regulations issued under the authority of that act as the various parts thereof are completed. Consequently there follows a publication of the first two parts of the Military Renegotiation Regulations.

For the purpose of publication in the FEDERAL REGISTER the Military Renegotiation Regulations have been assigned Parts 421-430 of Subchapter D of Chapter IV of the Joint Regulations of the Armed Forces. Consequently, the first part of these regulations is numbered 421, the second Part 422, the third 423, etc. For a discussion of the paragraph numbering system used see § 421.123-2.

At this time it is contemplated that there will be eight parts to these regulations, and as a result it will be noted that throughout Parts 421 and 422 there are references to paragraphs which will appear in later parts, as for

example a citation to § 423.342 which will be in Part 423. The parts may not be published in sequence. For example, Part 427 may be published before Part 423.

In § 421.125 it is stated that copies of these Regulations may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Such copies will not be available until publication of the Regulations is complete. However, additional copies of the FEDERAL REGISTER containing the various Parts as published may be obtained from the Superintendent of Documents.

In § 422.222-5 it is stated that copies of certain forms may be obtained from the Military Renegotiation Policy and Review Board. These forms are not available at this time but will be available on a date to be announced later.

PART 421—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION

SUBPART A—SUMMARY OF THE 1948 ACT AND RELATED STATUTES

- Sec.
- 421.101 Scope of subpart.
 - 421.102 Renegotiation agencies.
 - 421.103 Coverage.
 - 421.104 Exclusions and exemptions.
 - 421.105 Renegotiation clauses in contracts and subcontracts.
 - 421.106 Determination of excessive profits.
 - 421.107 Renegotiation by fiscal years.
 - 421.108 Renegotiation procedure.
 - 421.109 Delegation and review.
 - 421.110 Redetermination of excessive profits by the Tax Court of the United States.
 - 421.112 Applicable and related statutes.

SUBPART B—PRELIMINARY MATERIAL

- 421.120 Scope of subpart.
- 421.121 Applicability of regulations.
- 421.122 Definition of terms.
- 421.123 Arrangement of the regulations.
- 421.124 Official copies.
- 421.125 Copies of regulations.

SUBPART C—ORGANIZATION AND FUNCTION OF THE RENEGOTIATION BOARDS

- 421.130 Statutory authority.
- 421.131 Military Renegotiation Policy and Review Board.
- 421.132 Armed Services Renegotiation Board.
- 421.133 Renegotiation Divisions.
- 421.134 Secretaries of the Departments.
- 421.135 Administration of Agreements and Orders.

SUBPART D—RELATION OF RENEGOTIATION ACT AND ROYALTY ADJUSTMENT ACT CONCERNING PATENTS

- 421.141 Royalty Adjustment Act.
- 421.142 Patent licenses subject to renegotiation.
- 421.143 Allowance of royalties as costs.

AUTHORITY: §§ 421.101 to 421.143 issued under sec. 3 (f), Pub. Law 547, 80th Cong. These sections apply 56 Stat. 964, 56 Stat. 1013, 58 Stat. 90, 58 Stat. 246, sec. 401, Pub. Law 785, 80th Cong.; 26 U. S. C. 3806, 35 U. S. C. 89.

§ 421.101 *Scope of subpart.* The summary of the 1948 act in this subpart is designed to provide only a general outline of its structure and basic provisions. The detailed discussion of these provisions and of their interpretation and application is contained under the appropriate subparts of subsequent parts of this subchapter.

§ 421.102 *Renegotiation agencies.*

§ 421.102-1 *Military Renegotiation Policy and Review Board.* Under memorandum dated July 19, 1948 (13 F. R. 4522) the Secretary of Defense created

within the National Military Establishment, the Military Renegotiation Policy and Review Board consisting of three members; one designated by each of the Secretaries of the Departments of the Army, Navy and Air Force. The members of the Military Renegotiation Policy and Review Board serve also as members and Chairmen of their respective Divisions of the Armed Services Renegotiation Board.

§ 421.102-2 *Armed Services Renegotiation Board.* Under that same memorandum the Secretary of Defense created the Armed Services Renegotiation Board which consists of three Divisions, designated, respectively, the Army Renegotiation Division, the Navy Renegotiation Division and the Air Force Renegotiation Division. Each of these Divisions consists of not more than five members to be appointed by the Secretary of the indicated Department. The Chairman of each Division, who is so designated by such Secretary, serves as that Department's member of the Military Renegotiation Policy and Review Board.

§ 421.103 *Coverage.* The 1948 Act applies to all contracts in excess of \$1,000 entered into under the authority of the Supplemental National Defense Appropriation Act, 1948, approved May 21, 1948, and to all subcontracts in excess of \$1,000 thereunder; and to all contracts in excess of \$1,000 made subject to renegotiation pursuant to the provisions of section 401 of the Second Deficiency Appropriation Act, 1948, and to all subcontracts in excess of \$1,000 thereunder, with the exceptions noted in § 421.104. The coverage of the 1948 Act is discussed in detail in Part 423 of this chapter.

§ 421.104 *Exclusions and exemptions.*

§ 421.104-1 *Mandatory.* The 1948 Act does not apply to:

(a) Contracts between the Departments and other Governmental agencies, discussed in § 423.342 of this chapter;

(b) Contracts or subcontracts for certain raw materials, discussed in § 423.343 of this chapter;

(c) Contracts or subcontracts for agricultural commodities in a certain form or state, discussed in § 423.343-2 of this chapter;

(d) Contracts or subcontracts with tax exempt charitable, religious or educational institutions, discussed in § 423.344 of this chapter;

(e) Construction contracts let under competitive bidding, discussed in § 423.345 of this chapter; or

(f) Subcontracts under prime contracts or other subcontracts of the types listed above, discussed in § 423.346 of this chapter.

§ 421.104-2 *Permissive.* The Secretary of Defense is authorized by the 1948 Act to exempt from its provisions any contract or subcontract either individually or by general classes or types. He has delegated the authority to exempt such contracts or subcontracts by general classes or types to the Policy and Review Board and the authority to exempt a contract or subcontract individually to the Secretaries of the Departments, after recommendation by the Policy and Review Board.

§ 421.104-3 *Limitation measured by volume of business.* Subsection (b) of the act provides that renegotiation shall not apply to any contractor or subcontractor unless the aggregate of the amounts received or accrued by him during his fiscal year under subject contracts and subcontracts exceeds \$100,000 (discussed in § 423.347 of this chapter).

§ 421.105 *Renegotiation clauses in contracts and subcontracts.* The 1948 act requires that each contract in excess of \$1,000 entered into under the authority of the Supplemental National Defense Appropriation Act, 1948, and all subcontracts thereunder in excess of \$1,000, contain the renegotiation article prescribed in the 1948 act. In addition, Section 401 of the Second Deficiency Appropriation Act, 1948, authorizes and directs the Secretary of Defense, whenever in his judgment the best interest of the United States so requires, to direct the insertion of a clause incorporating the Renegotiation Act of 1948 in certain contracts for the procurement of ships, aircraft, aircraft parts, and the construction of facilities or installations outside the Continental United States, and subcontracts thereunder (discussed in § 423.331 of this chapter).

§ 421.106 *Determination of excessive profits.*

§ 421.106-1 *Costs.* As a general rule, costs determined to be allocable to renegotiable business in accordance with the method of cost accounting regularly employed by the contractor will be allowed in determining the profits from renegotiable business. All items estimated to be allowable as deductions or exclusions for Federal income tax purposes, to the extent allocable to renegotiable business, will be allowed in determining excessive profits. Notwithstanding these provisions, no item of cost shall be allowed which is unreasonable either as to amount or type.

§ 421.106-2 [Reserved.]

§ 421.106-3 *Fair cost allowance in the exempted state for raw materials, and agricultural commodities in the case of integrated producers.* In order to provide for equitable treatment of the integrated producer, the regulations in this subchapter provide for the allowance as cost of a fair value in lieu of actual cost for certain raw materials and agricultural commodities in the exempted state in the case of integrated producers who produce or acquire such materials or commodities below such state and process them up to and beyond such state (discussed in § 423.343-3 of this chapter).

§ 421.106-4 *Factors in determining excessive profits.* Excessive profits are the portion of the profits from the renegotiable business of the contractor or subcontractor which in the light of the factors set out in the regulations in this subchapter is determined to be excessive. These factors cover such matters as efficiency, reasonableness of costs, capital employed, risks, contributions to the National Defense Program, character of business, and such other factors as the public interest and fair and equitable

dealing may require (discussed in § 424.408 and following of this chapter).

§ 421.107 *Renegotiation by fiscal years.* The act requires that renegotiation be conducted on an over-all fiscal year basis unless some other basis is mutually agreed upon. Renegotiation may relate to any period other than a full fiscal year only with the consent of the contractor or subcontractor.

§ 421.108 *Renegotiation procedure.*

§ 421.108-1 *Mandatory filing of statement.* Every contractor or subcontractor subject to the act is required to file with the Policy and Review Board on or before the last day of the fifth month following the close of the fiscal year, a statement containing such information as the Policy and Review Board may by regulations prescribe (discussed in § 422.220 and following of this chapter). In addition to such statement, the renegotiating agency may require from the contractor or subcontractor any other data, information or records deemed necessary.

§ 421.108-2 *Commencement of renegotiation proceedings.* The contractor or subcontractor will be given reasonable notice of the time and place for a conference with respect to renegotiation. The mailing of such notice by registered mail to the contractor or subcontractor constitutes the commencement of the renegotiation proceedings (discussed in § 422.241 of this chapter).

§ 421.108-3 [Reserved.]

§ 421.108-4 *Agreement or order determining excessive profits.* After the commencement of renegotiation, the renegotiating agency will endeavor to make an agreement with the contractor or subcontractor with respect to the amount of excessive profits, if any, and to their elimination. If such an agreement is not made, the act authorizes the issuance of an order determining the amount of the excessive profits (discussed in § 426.620 and following of this chapter).

§ 421.108-5 *Statement to the contractor or subcontractor.* Whenever a determination is made as to the amount of excessive profits, whether by order or by agreement, the renegotiating agency, at the request of the contractor or subcontractor, will furnish a statement setting out the determination of excessive profits made in his case, the facts used as a basis therefor, and the reasons for such determination (discussed in § 425.520 and following of this chapter).

§ 421.108-6 *Eliminating excessive profits.* When the amount of excessive profits realized by a contractor has been determined, either by agreement or order, such excessive profits shall be eliminated. In eliminating such excessive profits there is allowed a credit for Federal income taxes in accordance with section 3806 of the Internal Revenue Code (discussed in § 424.440 and following of this chapter).

§ 421.109 *Delegation and review.*

§ 421.109-1 *Delegation.* The Secretary of Defense may delegate in whole

or in part any of his powers, functions or duties to any officer or agency of the National Military Establishment.

§ 421.109-2 *Review by the Policy and Review Board—(a) Agreements.* A determination of excessive profits made by a Division by agreement with the contractor will become final at the expiration of 60 days from the date such agreement, duly executed by the contractor, is received by the Division, unless the Policy and Review Board initiates on its own motion a review of such determination.

(b) *Orders.* A determination of excessive profits made by a Division by unilateral order may be reviewed by the Policy and Review Board upon its own motion and will be reviewed by the Policy and Review Board if the contractor so requests. Unless the Policy and Review Board, upon its own motion, initiates a review of a unilateral determination of excessive profits within 60 days from the date of such determination or unless the contractor or subcontractor requests such review within 60 days from the date of such determination, such determination becomes a determination of the Policy and Review Board.

(c) *Review.* In any case in which the Board initiates a review of a determination of a Division, whether such determination is embodied in an agreement or in an order, the Policy and Review Board's determination may be less than, equal to, or greater than the amount of the determination reviewed.

§ 421.110 *Redetermination of excessive profits by the Tax Court of the United States.* The act provides that any contractor or subcontractor aggrieved by a unilateral determination of excessive profits may petition the Tax Court of the United States for a redetermination of such excessive profits. Proceedings before the Tax Court are de novo. The Court may find an amount of excessive profits less than, equal to, or greater than the amount found by the Policy and Review Board. The petition for a redetermination must be made to the Tax Court within ninety days after the unilateral order becomes final (discussed in § 426.630 and following of this chapter). The decision of the Tax Court is subject to review by the Circuit Court of Appeals or the United States Court of Appeals for the District of Columbia (discussed in § 426.638 of this chapter).

§ 421.111 [Reserved.]

§ 421.112-1 *Supplemental National Defense Appropriation Act, 1948, Public Law 547, 80th Congress.* The full text of this act, section 3 of which is the Renegotiation Act of 1948, is set forth in § 428.801 of this chapter.

§ 421.112-2 *Section 401 of the Second Deficiency Appropriation Act, 1948, Public Law 785, 80th Congress.* The full text of section 401 which authorizes the Secretary of Defense to direct the insertion of a clause incorporating the Renegotiation Act of 1948 in certain contracts entered into by or on behalf of the Department of the Army, the Department of the Navy, and the Department of the Air Force, is set forth in § 428.802 of this chapter.

§ 421.112-3 *Renegotiation Act of February 25, 1944, as amended.* The full text of this act appears in § 428.803 of this chapter.

§ 421.112-4 *Section 3806 of the Internal Revenue Code.* Section 3806 of the Internal Revenue Code, referred to in subsection (b) of the act, is set out in § 428.811 of this chapter. Under that section the amount of Federal income tax assessed with respect to any excessive profits for the taxable year under renegotiation is credited against the amount of such profits in computing the amount to be refunded by the contractor or otherwise recovered. (The effect of section 3806 of the Internal Revenue Code is discussed in § 424.440 and following paragraphs of this chapter.)

§ 421.121 *Applicability of regulations.* The regulations in this subchapter shall apply to all renegotiations conducted under the Renegotiation Act of 1948, including renegotiations conducted with respect to contracts and subcontracts made subject to the Renegotiation Act of 1948 pursuant to the provisions of section 401 of the Second Deficiency Appropriation Act, 1948.

§ 421.122 *Definition of terms.* (a) The terms "the 1948 act," or "the act," mean the Renegotiation Act of 1948.

(b) The term "Secretary" means the Secretary of Defense.

(c) The terms "renegotiate" and "renegotiation" include a determination by agreement or order under the Renegotiation Act of 1948.

(d) The term "excessive profits" means the portion of the profits derived from subject contracts or subcontracts which is determined, in accordance with subsection (b) of the act, to be excessive.

(e) The term "profits derived from subject contracts or subcontracts" means the excess of the amounts received or accrued under subject contracts or subcontracts over the costs paid or incurred with respect thereto.

(f) The term "subject contracts and subcontracts" means contracts in excess of \$1,000 entered into under the authority of the Supplemental National Defense Appropriation Act, 1948, obligating funds appropriated by that act, obligating funds consolidated by that act with funds appropriated therein, or entered into through contract authorizations granted in that act, and all subcontracts in excess of \$1,000 under such contracts. In addition, it includes any contract or subcontract in excess of \$1,000 made subject to the Renegotiation Act of 1948 pursuant to the provisions of section 401 of the Second Deficiency Appropriation Act, 1948.

(g) The term "subcontract", as used in the act, means any purchase order or agreement in excess of \$1,000 to perform all or any part of the work, or to make or furnish any article, required for the performance of any other subject contract or subcontract.

(h) The term "article" means any material, part, assembly, machinery, equipment, or other personal property.

(i) The terms "received or accrued" and "paid or incurred" shall be construed according to the method of ac-

counting employed by the contractor or subcontractor in keeping his books.

(j) The term "contract" is generally used to include a subcontract, except where the distinction between them is clear from the context.

(k) The term "contractor" is generally used to include both a contractor and a subcontractor, except where the distinction between them is clear from the context.

(l) The term "mandatory statement" means the contractor's report required by § 422.220 and following of this chapter.

(m) The terms "renegotiable business" and "renegotiable sales" mean the business of a contractor or subcontractor under subject contracts or subcontracts which are not exempt.

(n) The term "fiscal year" means the taxable year of the contractor or a subcontractor under Chapter 1 of the Internal Revenue Code.

(o) The term "Secretary of a Department" means the Secretary of the Department of the Army, the Secretary of the Department of the Navy, or the Secretary of the Department of the Air Force.

(p) The term "Policy and Review Board" or "Board" means the Military Renegotiation Policy and Review Board.

(q) The term "Renegotiation Board" means the Armed Services Renegotiation Board.

(r) The term "Renegotiation Division" means the Army, Navy, or Air Force Division of the Renegotiation Board.

(s) The terms "these Regulations" or "the Regulations" mean the Military Renegotiation Regulations promulgated under the act.

(t) For the purposes of section 401 of the Second Deficiency Appropriation Act, 1948, "aircraft" means any craft (including without limitation thereto, airplanes, balloons, dirigibles, helicopters and gliders) of a type capable of being flown by a human pilot carried by such craft.

(u) For the purpose of section 401 of the Second Deficiency Appropriation Act, "aircraft part" means any item which, at the time of the entering into the contract for its purchase, is intended by the procuring activity to be installed or physically incorporated in aircraft, whether in the original construction of aircraft, or in the repair, maintenance, or modification thereof. It includes, without limitation thereto, ordnance, navigational, electronic, and experimental equipment. It does not include multi-purpose items purchased for stock unless at the time of entering into such contract it is known by the procuring activity that all or substantially all of the quantity purchased is intended for ultimate installation or physical incorporation in aircraft.

§ 421.123 *Arrangement of the regulations.*

§ 421.123 *Organization.* For purposes of publication in the FEDERAL REGISTER the Military Renegotiation Regulations have been assigned to Chapter IV—Joint Regulations of the Armed Forces—

Subchapter D, designated as "Military Renegotiation Regulations", Parts 421-430; and all Military Renegotiation Regulations will appear in the FEDERAL REGISTER in such parts of Subchapter D of Chapter IV. For convenience, the regulations are divided into parts, and each part is divided into several subparts each of which is in turn, divided into a series of numbered paragraphs.

§ 421.123-2 *Numbering.* The numbering of individual paragraphs is not necessarily consecutive, and is designed to permit additional paragraphs to be inserted later within the appropriate part and subpart. The number of a particular paragraph shows the part and subpart where it is found and also whether it is subordinate to a preceding paragraph. The first three digits of the number indicate the part number. The next three digits following the period after the first three pertain to paragraph numbers which numbers are explained as follows: the first digit re-designates the part number; the second digit designates the subpart and the third digit, the paragraphs. Where a digit follows the dash (-) after the last digit indicating a paragraph, this indicates that it is a part or subdivision of the general subject covered by the basic paragraph.

§ 421.123-3 *Citations.* Since the number of any paragraph indicates its place in the regulations, in this subchapter a paragraph may be referred to by citing its number only, and it is not necessary to refer to the Part or Subpart or page in the regulations in this subchapter where it appears. The regulations in this subchapter will be called the Military Renegotiation Regulations, which may be abbreviated as MRR in referring to paragraphs; thus, this paragraph may be cited as MRR 421.123-3.

§ 421.124 *Official copies.* Official copies of the statutes referred to herein may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Official copies of Executive orders cited herein are set out in the FEDERAL REGISTER, which may also be procured from the Superintendent of Documents.

§ 421.125 *Copies of regulations.* The Military Renegotiation Regulations and current supplements thereto may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 421.130 *Statutory authority.* The authority and discretion to administer the Renegotiation Act of 1948 is conferred upon the Secretary of Defense with power of delegation.

§ 421.131 *Military Renegotiation Policy and Review Board.* The Secretary of Defense has delegated to the Policy and Review Board all of the powers, functions and duties conferred upon him by the 1948 act except those delegated by him to the Renegotiation Board and to the Secretaries of the Departments. The Policy and Review Board is composed of the three Chairmen of the Renegotiation Divisions of the Renegotiation Board (see § 421.133). The powers, functions and duties delegated to the Policy and Review

Board include but are not limited to, the following:

(a) To promulgate and publish in the FEDERAL REGISTER, pursuant to subsection (f) of the act and after approval by the Secretary of Defense, regulations, (1) interpreting and applying the act, (2) prescribing standards and procedures for determining and eliminating excessive profits under the act, using so far as the Military Renegotiation Policy and Review Board deems practicable, the principles and procedures of the Renegotiation Act of February 25, 1944, as amended, having regard for the different economic conditions existing on or after the effective date of the act from those prevailing during the period from 1942 to 1945, and (3) providing for the review by the Military Renegotiation Policy and Review Board of determinations made by the Chairman of a Division of the Armed Services Renegotiation Board;

(b) To assign for renegotiation contractors or subcontractors to Divisions of the Armed Services Renegotiation Board;

(c) To review any determination made by the Chairman of a Division of the Armed Services Renegotiation Board. Upon any review by the Military Renegotiation Policy and Review Board, it may determine as the amount of excessive profits an amount either less than, equal to, or greater than that determined by the Chairman of the Division of the Armed Services Renegotiation Board whose action is so reviewed and such determination may be made by agreement or order;

(d) To exempt under subsection (d) of the act from some or all of the provisions of the act contracts and subcontracts by general classes or types;

(e) To audit the books and records of any contractor or subcontractor subject to the act;

(f) To make recommendations to the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, regarding the exemption of individual contracts when so requested.

§ 421.132 *Armed Services Renegotiation Board.* The Secretary of Defense has delegated to the Chairman of each Division of the Renegotiation Board the powers, functions and duties:

(a) To conduct renegotiation with any contractor or subcontractor assigned to his Division;

(b) To make determinations of excessive profits by agreement or order subject to the review of the Policy and Review Board; and

(c) To audit the books and records of contractors and subcontractors subject to the act.

The Renegotiation Board is composed of not to exceed 15 members who are the members of the Renegotiation Divisions.

§ 421.133 *Renegotiation Divisions.* The Renegotiation Board is composed of three Divisions as follows:

(a) The Army Renegotiation Division;

(b) The Navy Renegotiation Division; and

(c) The Air Force Renegotiation Division.

The members of each Division, not to exceed five in number, are appointed by

the Secretary of the indicated Department who designates one of them to serve as Chairman of the Division.

§ 421.134 *Secretaries of the Departments.* The Secretary of Defense has delegated to each of the Secretaries of the Departments the authority to exempt under subsection (d) of the act from some or all of the provisions of the act an individual contract entered into pursuant to his authority or the authority of his Department, or any subcontracts under any such individual contract. The delegation provides that in the exercise of this power the application for exemption of an individual contract or subcontract shall first be referred to the Policy and Review Board for recommendation. Exercise of this exemption power does not affect the renegotiability of subcontracts under such exempted contract (see § 423.346-2 of this chapter). This authority does not include the power to exempt contracts and subcontracts by general classes or types, which power has been delegated to the Policy and Review Board.

§ 421.135 *Administration of agreements and orders.* The powers, functions and duties necessary to the administration of renegotiation agreements and orders including the elimination of any excessive profits determined thereunder have been delegated to the Secretaries of the Departments.

§ 421.141 *Royalty Adjustment Act.* (a) Under Public Law 768, 77th Congress, approved October 31, 1942, whenever an invention, patented or unpatented, is manufactured or used for the United States, with license from the owner, and such license provides for the payment of royalties at rates or amounts "believed to be unreasonable or excessive by the head of the Department or agency of the Government which has ordered such manufacture, use," etc., the head of the Department concerned shall notify the licensor and licensee. Within a reasonable time thereafter, he shall "fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just," and shall authorize the payment thereof by the licensee to the licensor. Under the statute, the licensee must not thereafter pay to the licensor or charge to the United States a royalty in excess of that specified in the order, and the licensor's sole and exclusive remedy for royalties in excess thereof is by suit in the Court of Claims or in such district courts as have concurrent jurisdiction.

(b) The Royalty Adjustment Act is in effect during the continuance of the war and for six months thereafter. It does not preclude the applicability of the Renegotiation Act of 1948.

§ 421.142 *Patent licenses subject to renegotiation.* Patent licensing agreements, otherwise constituting subject contracts or subcontracts, are subject to renegotiation. (See § 423.334-1 and § 423.388-1 of this chapter)

§ 421.143 *Allowance of royalties as costs.* The allowance of royalties as costs in renegotiation and the effect given to determinations under the Roy-

alty Adjustment Act are discussed in § 423.388-1 of this chapter.

PART 422—PROCEDURE FOR RENEGOTIATION

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Sec.

- 422.201 Necessity for assignment.
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AUTHORITY: §§ 422.201 to 422.266 issued under sec. 3 (f), Pub. Law 547, 80th Cong.

§ 422.201 *Necessity for assignment.* No renegotiation proceedings will be conducted with any contractor or subcontractor unless and until an assignment for that purpose has been made by the Policy and Review Board.

§ 422.202 *Basis of assignment.* Assignments ordinarily will be made to the Division representing the Department believed to have the predominant interest in the assigned contractor's renegotiable business, but assignments will be made on the basis of industry or product classification in those cases where it is believed that such action will promote efficiency of renegotiation procedure. Assignments may also be made with regard to the existence of intercompany affiliations or transactions or for any other pertinent reasons.

§ 422.203 *Assignment procedure.* (a) A Letter of Preliminary Inquiry (set forth in § 427.701 of this chapter) will be sent to contractors and subcontractors who are believed by the Board to be possibly subject to renegotiation. Ordinarily assignment to a Division of the Board for renegotiation will not be made until the Board has received an acceptable response to the Letter of Preliminary In-

quiry and has considered the data submitted. However, if it deems it advisable the Board may at any time assign to a Division of the Board for conduct of renegotiation a contractor or subcontractor to whom has been sent a Letter of Preliminary Inquiry.

(b) Generally a contractor or subcontractor who has been assigned to a particular Division of the Board for a prior fiscal year will be assigned to that Division for succeeding fiscal years.

§ 422.204 [Reserved.]

§ 422.205 *Reassignment of cases.*

§ 422.205-1 *When cases reassigned.* The Policy and Review Board will reassign a case to another Division if it appears that efficiency of renegotiation procedure will be promoted thereby. Such reassignments may be based upon intercompany affiliations or transactions, substantial predominance of interest or the principle of assignment by product classification. Reassignments may be initiated by the Policy and Review Board on its own motion, or may be suggested by the Division to which the case was assigned originally.

§ 422.205-2 *Transfer of information on reassignments.* Upon notice that a case has been reassigned, all data with respect to the contractor will be transmitted directly to the Division holding the reassignment.

§ 422.206 *Cancellation of assignment.* (a) The Policy and Review Board may cancel the assignment of any contractor if it appears that he is not subject to renegotiation or if it appears that the profits realized by the contractor were not excessive or if it is otherwise appropriate. Ordinarily, assignment will not be cancelled except upon the recommendation or concurrence of the Division to which the assignment was issued.

(b) Cancellation of assignment does not constitute a determination that no excessive profits have been realized. If a contractor desires such a determination, renegotiation must be completed and a clearance issued in the manner provided in § 425.508 of this chapter.

§ 422.221 *Statutory provision.* Subsection (c) of section 3 of the Renegotiation Act of 1948 provides as follows:

For the purpose of administering this section the Secretary of Defense shall have the right to audit the books and records of any contractor or subcontractor subject to this section. In the interest of economy and the avoidance of duplication of inspection and audit, the services of the Bureau of Internal Revenue shall, upon request of the Secretary of Defense and with the approval of the Secretary of the Treasury, be made available to the extent determined by the Secretary of the Treasury for the purpose of making examinations and audits under this section.

Subsection (f) of section 3 of the Renegotiation Act of 1948 provides, in part, as follows:

The Secretary of Defense shall promulgate and publish in the FEDERAL REGISTER regulations interpreting and applying this section and prescribing standards and procedures for determining and eliminating excessive profits hereunder using so far as he deems practicable the principles and procedures of the Renegotiation Act of February 25, 1944.

as amended, having regard for the different economic conditions existing on or after the effective date of this Act from those prevailing during the period 1942 to 1945 * * *

Subsection (h) of section 3 of the Renegotiation Act of 1948 provides as follows:

Any person who willfully fails or refuses to furnish any information, records, or data required of him under this section, or who knowingly furnishes any such information, records or data containing information which is false or misleading in any material respect, shall upon conviction thereof, be punished by a fine of not more than \$10,000 or imprisonment for not more than two years, or both.

§ 422.222 Filing of mandatory statement.

§ 422.222-1 In general. In accordance with the statutory authority quoted in § 422.221:

(a) The "Standard Form of Contractor's Report" as set forth in § 427.702 of this chapter is hereby prescribed as the form of mandatory statement generally required to be filed by contractors and subcontractors.

(b) No special form is prescribed for construction contractors, architects and engineers. Such contractors should adapt this "Standard Form of Contractor's Report" to the particular needs of the case.

§ 422.222-2 Sufficiency of contents.

(a) Except as hereinafter stated, the forms of "Standard Form of Contractor's Report" are required to be prepared in accordance with the instructions which relate to them and which appear in § 427.703 of this chapter. The reports are required to contain all applicable information and exhibits specified by the forms and the instructions. However, if any of the information called for by the appropriate "Standard Form of Contractor's Report" for a fiscal year has been furnished previously by the contractor, the contractor may complete the "Standard Form of Contractor's Report" by incorporating by reference the information so furnished and making a specific statement of the time and place of such filing.

(b) If a contractor represents that it is impossible for him to furnish all of the information provided for in the "Standard Form of Contractor's Report" on or before the due date, or that it will impose severe hardship upon him to do so, such contractor may be authorized to file a "Contractor's Tentative Report" in the form set forth in § 427.705 of this chapter. In any such case, the filing of such "Contractor's Tentative Report" on or before the due date and its acceptance by the Board shall constitute compliance by the contractor with the regulations in this subchapter.

§ 422.222-3 Time for filing. The mandatory statements hereby prescribed shall be filed on or before the last day of the fifth month following the close of the contractor's fiscal year whether or not any specific request for filing has been made.

§ 422.222-4 Place for filing. The mandatory statements hereby prescribed shall be filed in duplicate with The Military Renegotiation Policy and Review

Board, The Pentagon, Washington 25, D. C.

§ 422.222-5 Availability of forms. Copies of the forms above mentioned may be obtained from The Military Renegotiation Policy and Review Board, The Pentagon, Washington 25, D. C.

§ 422.222-6 Effect of filing mandatory statements. The filing of a mandatory statement in accordance with the provisions of this § 422.222 will not relieve any contractor or subcontractor of the duty to furnish such other information, records or data which are determined by the renegotiating agency to be necessary to carry out its responsibilities under the act.

§ 422.222-7 Filing of mandatory statements on a consolidated basis. Parent and subsidiary corporations which constitute an "affiliated group" as defined in subsection (d) of Section 141 of the Internal Revenue Code may satisfy the requirements for filing of mandatory statements under the Renegotiation Act of 1948 by filing a "Standard Form of Contractor's Report" on a consolidated basis. When such a consolidated "Standard Form of Contractor's Report" is filed there shall also be filed a "Standard Form of Contractor's Report" for each subsidiary corporation (except as noted below) but any such subsidiary corporation report may be completed by writing thereon a statement that a consolidated report has been filed by the parent company. Where any such subsidiary corporation has not received or accrued during the applicable period any amount whatever under subject contracts and subcontracts no separate report need be filed by it. The filing of a consolidated "Standard Form of Contractor's Report" does not necessarily commit the members of the group to renegotiation on a consolidated basis nor does the acceptance of such a filing commit the Government to this course. Commonly owned enterprises not constituting an "affiliated group" and, therefore, not entitled to file a consolidated "Standard Form of Contractor's Report" may nevertheless be renegotiated upon a consolidated basis if mutually agreeable (see § 423.309 of this chapter).

§ 422.223 Letter of preliminary inquiry.

§ 422.223-1 Unassigned contractors. The Board may send to contractors and subcontractors the "Letter of Preliminary Inquiry" (set forth in § 427.701 of this chapter) for the purpose of determining whether the contractor should be assigned for renegotiation and to what Division such assignment, if any, should be made.

§ 422.223-2 Assigned contractors. The Renegotiation Division may send to contractors who have been assigned to them for renegotiation the "Letter of Preliminary Inquiry" (set forth in § 427.701 of this chapter) and the appropriate "Standard Form of Contractor's Report." In such cases, the filing of the "Standard Form of Contractor's Report" will constitute compliance with the requirements of mandatory filing under § 422.222 if filed within the time pre-

scribed, and, with respect to assigned cases, will enable a determination to be made as to whether further renegotiation proceedings will be necessary. If it is decided that no further action is necessary the contractor will be so advised.

§ 422.224 Contractor's information and work sheet for renegotiation. The Board may send to a contractor or subcontractor a form designed to assist him in preparing information when it is contemplated that formal renegotiation proceedings will be carried to conclusion (see § 422.242). The form prepared for the use of supply contractors is the "Contractor's Information and Work Sheet for Renegotiation" (see § 427.704 of this chapter).

§ 422.241 Beginning of renegotiation. Renegotiation proceedings will be begun by the mailing, by registered mail, of reasonable notice of the time and place of a conference to be held with respect to the renegotiation.

§ 422.242 Data presented by contractor. The contractor must present all data pertinent to the consideration of his case. In this connection, reference is made to the information that is required in the mandatory statement (§§ 422.220 to 422.222) and that suggested in the "Contractor's Information and Work Sheets" (§ 427.704 of this chapter). The above information must be submitted to the renegotiating agency sufficiently in advance of the stated meeting to permit consideration thereof.

§ 422.243 Principles and factors. The principles and factors to be applied in determining excessive profits are discussed in Subpart A of Part 424 of this chapter.

§ 422.244 Agreement procedure.

§ 422.244-1 Preparation of agreement. When the contractor and the Division to which a case has been assigned for renegotiation reach an accord with respect to the amount, if any, of excessive profits and to the terms and conditions of their elimination, the Division shall prepare an appropriate agreement and submit it to the contractor for execution.

§ 422.244-2 Submission to Policy and Review Board. Immediately upon receipt by the Division of the agreement executed by the contractor and before such agreement has been executed on behalf of the Government, the Division shall submit to the Policy and Review Board the agreement along with a report of its findings in such form as the Policy and Review Board shall require.

§ 422.245 Failure to agree. If the Division fails to reach an agreement with the contractor, the Chairman thereof will issue a unilateral order determining the amount of excessive profits and will forthwith transmit such order to the contractor by registered mail. This order is subject to review by the Policy and Review Board in accordance with the procedures heretofore described and set forth in detail in § 426.624 of this chapter.

§ 422.246 Review of agreement or order.

§ 422.246-1 *Purpose of review.* The Policy and Review Board is charged with the responsibility of applying the principles and policies of the Renegotiation Act consistently to all cases whether the determination of excessive profits is made by agreement or order. To carry out this function it is necessary for the Board to examine every case before the determination of excessive profits becomes final and to initiate a review if in its opinion the determination of the Division is inconsistent with the properly applicable principles and policies. The Policy and Review Board has retained the right to initiate review of any determination by a Division whether by agreement or unilateral order, in order that it may correct any proposal by a Division which is inconsistent to a major degree with other settlements in comparable cases or which in its opinion reflects clearly erroneous application of the provisions of the Renegotiation Act including the statutory factors. Weight will be given to the fact that agreement has been reached with a Division and revision will be required only if such agreement reflects substantial error.

§ 422.246-2 *Review procedure.* The Policy and Review Board shall have 60 days (not including Saturday, Sunday or a legal holiday in the District of Columbia as the last day) from the date of the receipt by the Division from the contractor of the agreement, or from the date of an order based upon a unilateral determination, to initiate a review of such agreement or order. In the event of an order, based on a unilateral determination by the Chairman of a Division, a contractor may request, within sixty days of such determination, that the Policy and Review Board initiate a review. Such a request must be made in writing and, upon the receipt thereof by the Policy and Review Board, it is mandatory that a review be initiated. When a review is initiated, either on the initiative of the Policy and Review Board or at the request of the contractor, the Policy and Review Board shall:

(a) Cause the case to be reassigned to the Policy and Review Board;

(b) Notify the contractor by registered mail that his case is being reviewed and considered anew by the Policy and Review Board; at the same time, if the case being reviewed is an agreement, returning to the contractor all copies of the agreement executed by him;

(c) Request the contractor to supply whatever additional information is deemed necessary to consideration of his case; and

(d) Afford the contractor an opportunity of a hearing before a panel representing the Policy and Review Board, such panel to be appointed by the Chairman of the Board from the two Divisions of the Renegotiation Board who did not participate in the original renegotiation.

§ 422.246-3 *Agreement after review.* If upon review, the Policy and Review Board reaches an accord with the contractor with respect to the amount of excessive profits, if any, and to the terms and conditions of their elimination, it

shall embody such understanding in a written agreement with the contractor.

§ 422.247 *Review not initiated.* If no review is initiated by the Policy and Review Board of the agreement described in § 422.244-1 within the time specified in § 422.246-2 or if it sooner notifies the Division of its approval of such agreement, the determination of the Division becomes the determination of the Policy and Review Board and the agreement shall be executed on behalf of the United States by the Chairman of the Division.

§ 422.248 *Statement to contractor and administration of agreements.* Subpart B of Part 425 of this chapter deals with the preparation of the statement to the contractor. Administration of voluntary agreements and of unilateral determinations by the Secretaries of the Departments is discussed in § 425.509 of this chapter.

§ 422.261 *General.* (a) Renegotiation agreements, reports, records, files, correspondence, memoranda, and all other data, documents, and material (hereinafter referred to generally as "documents") which have come into the possession of or have been prepared by any renegotiating agency, in connection with any renegotiation proceeding, are the property of the Government of the United States. They are in the legal custody of the Policy and Review Board and are subject to the regulations in this subchapter, notwithstanding that they may be in the physical possession of an agency to which has been delegated certain authority under the Renegotiation Act of 1948. They are not to be distributed, nor are their contents to be revealed to any person other than as provided in the regulations in this subchapter or as may be prescribed by the Policy and Review Board in any specific instance. "Access" to documents, as used in the regulations in this subchapter, includes the furnishing of copies of such documents and oral disclosure of the contents of the documents. Authority to grant access to documents includes the authority to prescribe the extent of such access and the terms and conditions upon which it will be granted. This subpart does not apply to documents which the Policy and Review Board has authorized to be distributed to the public.

(b) Under Section 55 (f) (1) of the Internal Revenue Code it is unlawful for any person "to divulge or make known in any manner whatever not provided by law" any information set forth or disclosed in any Federal income tax return or copy thereof or abstract therefrom. Pursuant to other provisions of the Internal Revenue Code procedures have been established by the Treasury Department under which persons entitled to such information may get it from the Treasury Department. Accordingly, under no circumstances will access be afforded to copies of Federal tax returns, revenue agents' reports, or other Federal tax data in the custody of the Policy and Review Board. Any such material will in every case be carefully excluded from any documents to which access is

granted in accordance with the regulations in this subchapter.

§ 422.262 *Persons having access to renegotiation records.*

§ 422.262-1 *Renegotiation personnel.* Notwithstanding any other provision of this subpart, all personnel engaged in the administration or enforcement of the Renegotiation Act of 1948 will be afforded access, in the course of their official duties, to any documents in the custody of the Policy and Review Board.

§ 422.262-2 *Departmental personnel.* All personnel on duty in or employed by the departments and agencies of the National Military Establishment may, without specific approval of the Policy and Review Board, be afforded access to any documents, subject to the provisions of § 422.261 (b), in the custody of the Policy and Review Board, notwithstanding that such personnel are not engaged in the administration of the Renegotiation Act of 1948, if in the opinion of the Chairman of a Renegotiation Division having physical possession of the documents, such access is necessary to or will facilitate the discharge of any official duty of such personnel and is not against the public interest.

§ 422.262-3 *Other personnel in the Executive Branch of the Government.* Subject to the exception hereinafter provided, personnel on duty in or employed by any agency or department of the executive branch of the Government, other than the National Military Establishment may, without specific approval of the Policy and Review Board, be afforded access to any documents in the custody of the Policy and Review Board only if such access has been directed by the President of the United States or any official of the United States to whom authority over the Policy and Review Board has been given by statute or executive action. There are excepted from the provisions of the preceding sentence but subject to the provisions of § 422.201 (b), personnel employed by the Department of Justice or the General Accounting Office, to whom access to documents in the custody of the Policy and Review Board may, without specific approval of the Policy and Review Board, be afforded if, in the opinion of the Chairman of a Renegotiation Division having physical possession of such documents, such access is necessary to or will facilitate the discharge of any official duty of such personnel and is not against the public interest.

§ 422.262-4 *The Legislative Branch of the Government.* The Policy and Review Board will afford access to any documents in its custody to the Congress, or to any committee of the Congress authorized to require the Board to produce such documents, upon request of the Congress, or such committee, made in writing and submitted to the Chairman or the Secretary of the Policy and Review Board.

§ 422.262-5 *Persons properly and directly concerned in renegotiation.* Per-

sons properly and directly concerned in any renegotiation proceeding, or their duly authorized representatives, may apply in writing to the Chairman of the Renegotiation Division which conducted the proceeding for access to records of such proceeding. Access will be granted at times and places which are convenient in the light of the physical location of the records to which access is sought. Access is subject to the provisions of § 422.261 (b), and to the requirements of the Department for security of classified material, and access will not be furnished under this section to memoranda and reports prepared by Government employees for use within the agency, or to any other material which in the opinion of the Chairman should be held confidential for good cause shown. A person shall not be deemed properly and directly concerned in any renegotiation record unless it relates to renegotiation of the contracts or subcontracts of such person, or of a partnership or joint venture in which he was a partner or joint venturer during the period renegotiated, or unless the person has some other pecuniary interest in the result of a renegotiation proceeding such that, in the opinion of the Chairman, he would be caused unreasonable hardship by being denied access to records relating thereto.

§ 422.263 *Affording access to documents pursuant to subpoena or other judicial process.* Subpoenas duces tecum, or other judicial process constituting a demand for access to or the production of documents in the custody of the Policy and Review Board are properly to be served upon the Chairman of the Policy and Review Board. No person, notwithstanding that he may have physical possession of such documents, is authorized to afford access thereto or to produce the same pursuant to subpoena duces tecum, or other judicial process except upon authorization or direction from the Chairman of the Policy and Review Board. Whenever a subpoena or other process demanding the production of documents which are in the custody of the Policy and Review Board, whether issued by a Federal Court, State Court, or administrative tribunal is served upon any person, other than said Chairman, having possession of such documents, such person will appear in such court and respectfully decline to present such documents, basing his refusal upon this regulation and pointing out that the Policy and Review Board's administrative process makes provision for the serving of such subpoenas upon its Chairman.

§ 422.264 *Disclosure of information acquired in the performance of duties in connection with renegotiation.* Disclosure of facts, knowledge of which was acquired in the course of official duty in connection with any renegotiation proceeding conducted by or under the authority of the Policy and Review Board, is to be made only to such persons or bodies and subject to the same restrictions as are provided in the regulations in this subchapter with respect to access

to documents in the custody of the Policy and Review Board.

§ 422.265 *Control of physical possession of documents.* Any person transferred or separated from duty or employment in connection with renegotiation, or transferred or separated from duty or employment in any other connection in which possession of documents in the custody of the Policy and Review Board is authorized, shall, upon such transfer or separation, deliver all such documents in his possession into the possession of a responsible official.

§ 422.266 *Opinions and orders.* Except as authorized in §§ 422.260-422.266, opinions and orders will not be published or made available to the public, pursuant to section 3 (b) of the Administrative Procedure Act, inasmuch as they are regarded as confidential for good cause shown, by reason of the confidential data relating to contractor's business, furnished by contractors, and included therein. For the purposes of this paragraph, the term "opinion" includes a statement furnished pursuant to §§ 425.520 to 425.525-2 of this chapter, and the term "order" includes an agreement to eliminate excessive profits, as well as a unilateral determination. Opinions and orders are not cited as precedents in any renegotiation proceedings.

Adopted: December 16, 1948.

FRANK L. ROBERTS,
Chairman, Military Renegotiation Policy and Review Board.

Approved: December 24, 1948.

JAMES FORRESTAL,
Secretary of Defense.

[F. R. Doc. 48-11402; Filed, Dec. 28, 1948;
10:15 a. m.]

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

INCORPORATION OF RENEGOTIATION ACT OF 1948 IN CONTRACTS FOR PROCUREMENT OF AIRCRAFT AND AIRCRAFT PARTS

CROSS REFERENCE: For directive of the Secretary of Defense with regard to the inclusion of a clause incorporating the Renegotiation Act of 1948 in all contracts for the procurement of aircraft and aircraft parts, see Subtitle A of this title, *supra*.

Chapter VII—Department of the Air Force

INCORPORATION OF RENEGOTIATION ACT OF 1948 IN CONTRACTS FOR PROCUREMENT OF AIRCRAFT AND AIRCRAFT PARTS

CROSS REFERENCE: For directive of the Secretary of Defense with regard to the inclusion of a clause incorporating the Renegotiation Act of 1948 in all contracts for the procurement of aircraft and aircraft parts, see Subtitle A of this title, *supra*.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 1]

NOTE: Canal Zone Orders 1, 4, 5, and 8, are published herewith in the public interest and to fill gaps in this series which is a continuation of a series of Executive orders on the same subject matter.

AMENDMENT OF EXECUTIVE ORDER NO. 1889 OF FEBRUARY 2, 1914, AS AMENDED, RELATING TO CONDITIONS OF EMPLOYMENT IN SERVICE OF PANAMA CANAL AND PANAMA RAILROAD COMPANY ON ISTHMUS OF PANAMA

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended, and Executive Order No. 9746 of July 1, 1946, section 6 of Executive Order No. 1888 of February 2, 1914, as amended by Executive Order No. 9467 of August 19, 1944, is amended to read as follows:

6. No employees shall receive compensation at a rate in excess of \$125 a month or 72 cents an hour unless they are citizens of the United States or of the Republic of Panama; and such citizens shall be given preference for employment in all grades: *Provided, however* (a) That persons who are not such citizens may be employed in positions for which the rate of compensation is in excess of \$125 a month or 72 cents an hour (1) if they occupied the same or similar positions for two years or more during the construction of the Canal, or (2) if such action is deemed necessary by reason of an emergency, in which latter case, however, such persons shall be replaced by citizens of the United States or of the Republic of Panama as early as practicable; and (b) that the Governor is authorized to increase to rates exceeding \$125 a month or 72 cents an hour the compensation of such number of employees who are not such citizens as shall at no time exceed 10 percent of the total number of employees who are not such citizens.

ROBERT P. PATTERSON,
Secretary of War.

JULY 1, 1946.

[F. R. Doc. 48-11313; Filed, Dec. 28, 1948;
9:04 a. m.]

[Canal Zone Order 4]

CONDITIONS OF EMPLOYMENT IN SERVICE OF PANAMA CANAL AND PANAMA RAILROAD COMPANY ON ISTHMUS OF PANAMA

By virtue of the authority vested in me under section 81 of title 2 of the Canal Zone Code, as amended, by Executive Order No. 9746 of July 1, 1946, and in connection with the internal management and the personnel and property of the Government, it is hereby ordered as follows:

1. The Governor of The Panama Canal, hereinafter referred to as the Governor, is authorized to fix and from time to time to adjust the rental for quarters in accordance with the following general principles:

RULES AND REGULATIONS

a. The total rental for all quarters shall be sufficient to provide the amounts necessary for:

(1) A return of two percent per annum of the capital value of quarters, for depreciation;

(2) A reasonable charge for administration of quarters;

(3) Maintenance and repair of quarters and their appurtenances;

(4) Collection and disposal of garbage;

(5) Care of grounds adjacent to bachelor and twelve-family quarters, including the cutting of grass, trimming of hedges and vines, and collection and disposal of rubbish; and

(6) Other services essential for purposes of sanitation of quarters.

b. The total rental shall be apportioned to individual quarters in such manner as the Governor shall determine to be reasonable, just and equitable.

c. The care of grounds adjacent to quarters, other than bachelor and twelve-family quarters, including the cutting of grass, trimming of hedges and vines, and collection and disposal of rubbish, shall be performed at the expense of occupants of quarters, and the charges therefor shall be fixed and apportioned in such manner as the Governor shall determine to be reasonable, just and equitable: *Provided, however,* That the charge for cutting of grass and trimming of hedges and vines may be eliminated in the cases of occupants who cause such services to be performed in a satisfactory manner by private means.

d. For furniture, ranges and refrigerators supplied, when available, to occupants of quarters, the Governor shall establish such charges for handling, maintenance, repair and depreciation as he shall determine to be reasonable, just and equitable.

e. Electric current and water will be supplied at the rates established by the Governor from time to time in the pertinent tariffs, less any applicable discount.

f. For services and supplies furnished to occupants of bachelor quarters, in addition to those furnished to occupants of other quarters, the Governor shall establish such charges as he shall determine to be reasonable, just and equitable.

g. Any maintenance of or repairs to quarters or their appurtenances, furniture, ranges or refrigerators, or any other Government property supplied in or about quarters, made necessary by reason of misuse by the occupant or by reason of the failure of the occupant to comply with the regulations governing occupancy of quarters or use of property, shall be performed by The Panama Canal at the expense of such occupant.

h. The preceding provisions of this section shall have no application to alien employees who are paid in accordance with local native prevailing wage rates for the area including the Canal Zone and adjacent territory, or to the quarters provided for such employees and carried under a separate capital structure. The Governor is hereby granted continuing authority to provide for the assignment of such quarters, to fix the rental therefor and to establish the charges for incidental services, supplies and facilities furnished.

2. In accordance with the provisions of section 6 of Executive Order No. 9746 of July 1, 1946, this order shall supersede all provisions of prior Executive orders and of rules and regulations promulgated under section 81 of title 2 of the Canal Zone Code, as amended, which are inconsistent herewith.

3. This order shall be effective January 1, 1947.

ROBERT P. PATTERSON,
Secretary of War.

JANUARY 24, 1947.

[F. R. Doc. 48-11314; Filed, Dec. 28, 1948;
9:04 a. m.]

[Canal Zone Order 5]

SICK LEAVE AND REST LEAVE FOR EXCEPTED ALIEN EMPLOYEES

By virtue of the authority vested in me under section 81 of title 2 of the Canal Zone Code, as amended, and Executive Order 9746 of July 1, 1946, section 39 of Executive Order 1888 of February 2, 1914, as amended by Executive Order 9740 of June 20, 1946, is further amended to read as follows:

39. *Sick and rest leave for excepted alien employees.* The Governor is authorized, under such regulations as he may prescribe, to grant sick and rest leave to such alien employees as are excepted by section 20 of this order from entitlement to leave privileges under sections 20 to 38 of this order, and to provide for the commutation thereof: *Provided,* That the combined sick and rest leave which may be accredited to any such employee shall not exceed 192 hours in any one year, and that such leave shall not be accumulated in excess of 480 hours.

ROBERT P. PATTERSON,
Secretary of War.

[F. R. Doc. 48-11315; Filed, Dec. 28, 1948;
9:03 a. m.]

[Canal Zone Order 8]

AMENDMENT OF EXECUTIVE ORDER NO. 1888 OF FEBRUARY 2, 1914, AS AMENDED, RELATING TO CONDITIONS OF EMPLOYMENT IN SERVICE OF PANAMA CANAL AND PANAMA RAILROAD COMPANY ON ISTHMUS OF PANAMA

By virtue of the authority vested in The President of the United States by section 81 of title 2 of the Canal Zone Code, as amended, and delegated to me by Executive Order No. 9746 of July 1, 1946, sections 11 and 12 of Executive Order No. 1888 of February 2, 1914, the latter section as amended by Executive Order 4459 of June 17, 1926, are hereby amended to read as follows:

11. The Governor is authorized to provide by regulations for the payment of additional compensation for time worked on holidays established by statute or Executive order, by alien employees who are paid in accordance with local native prevailing wage rates for the area including the Canal Zone and adjacent territory.

12. The Governor is authorized to provide by regulations for the payment of overtime compensation or allowance of compensatory time off from duty for time worked outside their basic work-weeks by alien employees who are paid in accordance with local native prevailing wage rates for the area including the Canal Zone and adjacent territory.

ROBERT P. PATTERSON,
Secretary of War.

MARCH 31, 1947.

[F. R. Doc. 48-11316; Filed, Dec. 28, 1948;
9:03 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

REVISION OF CHAPTER

1. Chapter II of Title 37, of the Code of Federal Regulations, is hereby revised to read as set forth below, effective sixty days after the date of publication in the FEDERAL REGISTER. In this revised codification former Part 200, Organization, Part 202, Proclamation Copyright Relations and Part 203, Functions and Procedures are discontinued, former Part 201, Registration of Claims to Copyright, as herein revised, is renumbered Part 202 and a new Part 201, "General Provisions" is added. Future amendments to organization, functions and procedures, not otherwise herein provided, will be published in the Notices section of the FEDERAL REGISTER.

2. Chapter II of Title 37, as provided in the Code of Federal Regulations at the time of this publication, continues in force until this revised codification becomes effective.

PART 201—GENERAL PROVISIONS

- Sec.
- 201.1 Communications with Copyright Office.
 - 201.2 Information given by Copyright Office.
 - 201.3 Catalog of Copyright Entries.
 - 201.4 Assignments of copyright and other papers.
 - 201.5 Amendments to completed Copyright Office registrations and other records.
 - 201.6 Payment and refund of Copyright Office fees.

AUTHORITY: §§ 201.1 to 201.6 issued under sec. 207, 61 Stat. 666; 17 U. S. C. Sup. 207.

§ 201.1 *Communications with Copyright Office.* Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington 25, D. C.

§ 201.2 *Information given by Copyright Office—(a) In general.* Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works, nor does it give legal opinions concerning the rights of persons

in cases of alleged infringement, contracts between publisher and author, the copyright status of any particular work other than the facts shown in the records of the Office, or other matters of a similar nature.

(b) *Inspection and copying of records.* Inspection of the records, indexes and deposits may be made at such time as will not result in interference with or delay in the work of the Copyright Office. In connection with matters directly relating to copyrights and the rights of an author or proprietor in copyrighted property, copies may be made of the entries in the record books, the applications for registration after they have been passed for entry and numbered, the indexes to registrations, and similar official records of the Office.

(c) *Correspondence.* Correspondence with the Copyright Office is not open to public inspection unless it has a direct reference to a completed registration of a copyright claim or other official record of the Office.

(d) *Requests for copies.* Requests for the making of copies of the records and deposits in the Copyright Office should be addressed to the Photoduplication Service, Library of Congress, Washington 25, D. C. Fees for the payment of such services should be made payable to the Librarian of Congress. When the copy is to be certified by the Copyright Office, the certification fee should be made payable to the Register of Copyrights. The Copyright Office will approve the making of a copy of a copyright deposit when one or more of the following conditions exist:

(1) *Authorization by owner.* When authorized in writing by the copyright owner or his designated agent.

(2) *Request by attorney.* When required in a court proceeding in which the copyrighted work is the subject of the litigation; but in all such cases the attorney representing the plaintiff or defendant, for whom the request is made, shall give in writing the names of the parties, the nature of the controversy, and the name of the court.

(3) *Court order.* When an order to have the copy made is issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

§ 201.3 *Catalog of Copyright Entries.* The current subscription price for all parts of the complete yearly Catalog of Copyright Entries is \$20.00. Each part of the Catalog is published in two semi-annual numbers covering, respectively, the periods January-June and July-December. The prices given in the list below are for each semiannual number. The Catalog may be obtained, upon payment of the established price, from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., to whom requests for copies should be addressed and to whom the remittance should be made payable.

Part 1A—Books and selected pamphlets	\$1.50
Part 1B—Pamphlets, serials, and contributions to periodicals	1.50
Part 2—Periodicals	1.00
Parts 3 and 4—Dramas and works prepared for oral delivery	1.00
Part 5A—Published music	1.50

Part 5B—Unpublished music	\$1.50
Part 6—Maps	.50
Parts 7-11A—Works of art, reproductions of works of art, scientific and technical drawings, photographic works, prints, and pictorial illustrations	1.00
Part 11B—Commercial prints and labels	1.00
Parts 12 and 13—Motion pictures	.50
Part 14A—Renewal registrations, literature, art, film	.50
Part 14B—Renewal registrations, music	1.00

§ 201.4 *Assignments of copyright and other papers.* Assignments of copyright and other papers relative to copyrights will be recorded in the Copyright Office upon payment of the statutory fee. Examples of such papers include powers of attorney, licenses to use a copyrighted work, and agreements between authors and publishers covering a particular work or works and the rights thereto. Where the original instrument is not available, a certified copy may be recorded.

§ 201.5 *Amendments to completed Copyright Office registrations and other records.* No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in § 201.6) after it has been completed if the facts therein stated agree with those supplied the Office for the purpose of making such record. However, it shall be within the discretion of the Register of Copyrights to determine if any particular case justifies the placing of an annotation upon any record for the purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.

§ 201.6 *Payment and refund of Copyright Office fees—(a) In general.* All fees sent to the Copyright Office should be in the form of a money order, postal note, check, or bank draft payable to the Register of Copyrights. Coin or currency sent to the Office in letters or packages will be at the remitter's risk. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of fee required. Uncertified checks are accepted subject to collection. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until payment in money is received. In the event the fee is not paid, the registration or other record shall be expunged.

(b) *Deposit accounts.* Persons or firms having a considerable amount of business with the Copyright Office may, for their own convenience, prepay copyright expenses by establishing a Deposit Account.

(c) *Refunds.* Money paid for applications which are rejected or payments made in excess of the statutory fee will be refunded, but amounts of twenty-five cents or less will not be returned unless specifically requested and such sums may be refunded in postage stamps. All larger amounts will be refunded by check.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Sec.	
202.1	Application forms.
202.2	Books (Class A).
202.3	Periodicals (Class B).
202.4	Lectures or similar productions prepared for oral delivery (Class C).
202.5	Dramatic and dramatico-musical compositions (Class D).
202.6	Musical compositions (Class E).
202.7	Maps (Class F).
202.8	Works of art (Class G).
202.9	Reproductions of works of art (Class H).
202.10	Drawings or plastic works of a scientific or technical character (Class I).
202.11	Photographs (Class J).
202.12	Prints, pictorial illustrations and commercial prints or labels (Class K).
202.13	Motion-picture photoplays (Class L).
202.14	Motion pictures other than photoplays (Class M).

AUTHORITY: §§ 202.1 to 202.14 issued under sec. 207, 61 Stat. 666; 17 U. S. C. Sup. 207.

§ 202.1 *Application forms—(a) In general.* Section 5 of Title 17 of the United States Code provides thirteen classes (Class A through Class M) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.2 to 202.14, inclusive, for the purpose of assisting persons, who desire to obtain registration of a claim to copyright, to select the correct application form.

(b) *Claims of copyright.* All works deposited for registration shall be accompanied by a "claim of copyright" in the form of a properly executed application and the statutory registration fee.

(c) *Forms.* The Copyright Office supplies without charge the following forms for use when applying for the registration of claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

Form A—Books published in the United States of America (Class A).
Form A Foreign—Books first published outside the United States of America (Class A).
Form B—Periodicals (Class B).
Form B5—Contributions to periodicals (Class B).
Form C—Lectures or similar productions prepared for oral delivery (Class C).
Form D—Dramatic or dramatico-musical compositions (Class D).
Form E—Musical compositions (Class E).
Form F—Maps (Class F).
Form G—Works of art; models or designs for works of art (Class G).
Form GG—Published three-dimensional works of art (Class G).
Form H—Reproductions of a work of art (Class H).
Form I—Drawings or plastic works of a scientific or technical character (Class I).
Form J—Photographs (Class J).
Form K—Prints and pictorial illustrations (Class K).
Form KK—Prints or labels used for articles of merchandise (Class K).
Form L—Motion-picture photoplays (Class L).
Form M—Motion pictures other than photoplays (Class M).
Form R—For renewal copyright of works other than commercial prints and labels.
Form RR—For renewal copyright of commercial prints or labels.
Form U—For notice of use of musical compositions on mechanical instruments.

§ 202.2 *Books (Class A)*. This class includes such publications as fiction and non-fiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or without illustrations, published as a book, pamphlet, leaflet, card, single page or the like. Foreign periodicals and contributions thereto are also registered in this class. Applications for registration in Class A for American editions are made on Form A, and foreign editions on Form A Foreign.

§ 202.3 *Periodicals (Class B)*. This class includes such publications as newspapers, magazines, reviews, bulletins, and serial publications, which appear at intervals of less than a year. Applications for registration of these works in Class B are made on Form B. Applications for registration of serial publications which are not "periodicals" should be made in Class A. Contributions to periodicals are also registered in Class B on Form B5, except in the case of advertisements (commercial prints) which are registered in Class K on Form KK. Applications for registration of periodicals produced outside of the United States and contributions to such periodicals will be received on Form A Foreign.

§ 202.4 *Lectures or similar productions prepared for oral delivery (Class C)*. This class includes unpublished works such as lectures, sermons, addresses, monologs, recording scripts, and scripts for television and radio programs. When these works are published, registration should be made in Class A.

§ 202.5 *Dramatic and dramatico-musical compositions (Class D)*. This class includes works dramatic in character such as plays, dramatic scripts designed for radio or television broadcast, pantomimes, ballets, musical comedies and operas.

§ 202.6 *Musical compositions (Class E)*. This class includes all musical compositions (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations, arrangements and editings, when such editing is the writing of an author.

§ 202.7 *Maps (Class F)*. This class includes all published cartographic representations of area, such as terrestrial maps and atlases, marine charts, celestial maps and such three-dimensional works as globes and relief models.

§ 202.8 *Works of art (Class G)—(a) In general*. This class includes works of artistic craftsmanship, in so far as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as all works belonging to the fine arts, such as paintings, drawings and sculpture. Works of art and models or designs for works of art are registered in Class G on Form G, except published three-dimensional works of art which require Form GG.

(b) *Published three-dimensional works of art*. All applications for copyright registration of published three-dimensional works of art shall be accompanied by as many photographs, in

black and white or in color, as are necessary to identify the work. Each photograph shall not be larger than nine by twelve inches, but preferably shall be eight by ten inches, nor shall it present an image of the work smaller than four inches in its greatest dimension. The title of the work shall appear on each photograph. In addition to the photographs, application on Form GG, and the statutory registration fee, each applicant shall select and comply with one of the following options:

(1) *Option A*. Send two copies of the best edition of the work (or one copy, if by a foreign author and published in a foreign country). The Copyright Office will retain the copies for disposition in accordance with its usual practice.

(2) *Option B*. Send two copies of the best edition of the work (or one copy, if by a foreign author and published in a foreign country) and in addition mark the package with the special label supplied by the Copyright Office or by the use of other appropriate means indicating that Option B has been chosen. The Copyright Office will promptly return the copies to the copyright claimant or to his agent, at an address within the United States, at his expense.

(3) *Option C*. Send no copies of the work. If Option C is selected the Copyright Office will issue its certificate, bearing a notation that photographs were accepted in place of copies, but expresses no opinion as to the need for, or possible effect of delay in, making deposit of copies prior to suit for infringement of copyright.

§ 202.9 *Reproductions of works of art (Class H)*. This class includes published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching or drawing of a painting, sculpture or other work of art.

§ 202.10 *Drawings or plastic works of a scientific or technical character (Class I)*. This class includes diagrams or models illustrating scientific or technical works, or formulating scientific or technical information in linear or plastic form, such as an architect's or an engineer's plan or design, a mechanical drawing, or an anatomical model.

§ 202.11 *Photographs (Class J)*. This class includes photographic prints and filmstrips, slide films and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K on Form K.

§ 202.12 *Prints, pictorial illustrations and commercial prints or labels (Class K)*. This class includes prints or pictorial illustrations, greeting cards, picture postcards and similar prints, produced by means of lithography, photoengraving or other methods of reproduction. These works are registered on Form K. A print or label, not a trademark, published in connection with the sale or advertisement of an article or articles of merchandise is also registered in this class on Form KK.

§ 202.13 *Motion-picture photoplays (Class L)*. This class includes motion pictures, dramatic in character, such as

features, serials, animated cartoons, musical plays, and similar productions intended for projection on a screen, or for transmission by television or other means.

§ 202.14 *Motion pictures other than photoplays (Class M)*. This class includes non-dramatic motion pictures, such as newsreels, musical shorts, travelogues, educational and vocational guidance films, and similar productions intended for projection on a screen, or for transmission by television or other means.

[SEAL] SAM B. WARNER,
Register of Copyrights.

Approved: December 22, 1948.

LUTHER H. EVANS,
Librarian of Congress.

[F. R. Doc. 48-11287; Filed, Dec. 28, 1948;
9:00 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

REVISION OF REGULATIONS

The following changes are made in Chapter I, effective upon their publication in the FEDERAL REGISTER:

1. The codification of Part 01—Organization and Procedure is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. Part 1 is deleted. Notices normally published in this part will appear hereafter in the Notices section of the FEDERAL REGISTER.

3. Part 2 is redesignated Part 1.

4. The codification of Part 10—Delegation of Authority is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

5. Parts 4 and 36 are revoked.

6. With the exception of Part 28 (issued July 12, 1948, effective January 1, 1949), and Parts 5, 21 and 31, which remain unchanged, Chapter I is revised to read as follows:

Part

- 1 General rules and regulations.
- 3 National Capital Parks regulations.
- 6 Recreational Demonstration Area regulations.
- 12 Private lands subject to exclusive jurisdiction of the United States.
- 13 Admission, guide, elevator, and automobile fees.
- 20 Special regulations.
- 22 Glacier National Park; timber disposal regulations.
- 23 Lake Mead Recreational Area; operation of privately owned boats.
- 25 National Military Parks; licensed guide service regulations.
- 26 Olympic National Park; timber disposal regulations.
- 27 Mount Rainier National Park; timber disposal regulations.
- 32 Regulations governing the disposal of certain wild animals.
- 34 Isle Royale National Park; commercial fishing.

PART 1—GENERAL RULES AND REGULATIONS

Sec.

- 1.0 General provisions.
- 1.1 Definitions.

- Sec.
- 1.2 Preservation of public property, natural features and curiosities.
 - 1.3 Camping.
 - 1.4 Fishing.
 - 1.5 Picknicking.
 - 1.6 Bathing.
 - 1.7 Sanitation.
 - 1.8 Fires.
 - 1.9 Protection of wildlife.
 - 1.10 Bears.
 - 1.11 Firearms, etc.
 - 1.12 Radios, loud speakers, etc.
 - 1.13 Dogs and cats.
 - 1.14 Mountain summit climbing.
 - 1.15 Collection of scientific specimens.
 - 1.16 Archaeologic ruins and objects.
 - 1.17 Pack trains and saddle horse parties.
 - 1.18 Closing of areas.
 - 1.19 Report of accidents.
 - 1.20 Grazing.
 - 1.21 Dead animals.
 - 1.22 Begging, soliciting, etc.
 - 1.23 Disorderly conduct.
 - 1.24 Abandonment of property.
 - 1.25 Lost articles.
 - 1.26 Fraudulently obtaining accommodations.
 - 1.27 Prospecting and mining.
 - 1.28 Gambling.
 - 1.29 Motion or sound pictures.
 - 1.30 Advertisements.
 - 1.31 Private operations.
 - 1.32 Private lands.
 - 1.33 Travel on trails.
 - 1.34 Travel on roads.
 - 1.35 Automobiles operated for pleasure.
 - 1.36 Commercial automobiles and busses.
 - 1.37 Commercial trucks.
 - 1.38 Motorcycles.
 - 1.39 House trailers.
 - 1.40 Permits.
 - 1.41 Entrances and exits.
 - 1.42 Limitations on speed.
 - 1.43 Teams.
 - 1.44 Right-of-way.
 - 1.45 Following vehicles.
 - 1.46 Brakes.
 - 1.47 Clutches and gears.
 - 1.48 Lights.
 - 1.49 Sounding horn.
 - 1.50 Muffler cut-outs.
 - 1.51 Accidents; stop-overs.
 - 1.52 Traffic signs.
 - 1.53 Persons prohibited from driving.
 - 1.54 Prevention of smoke, etc.
 - 1.55 Excessive acceleration of engine.
 - 1.56 Obstructing traffic.
 - 1.57 Signals by hand and arm or signal device.
 - 1.58 Reckless driving.
 - 1.59 Boats.
 - 1.60 Discrimination in furnishing public accommodations.
 - 1.61 Aircraft.
 - 1.62 Impounding of animal.
 - 1.90 Special regulations.
 - 1.91 Penalties.

AUTHORITY: §§ 1.0 to 1.91 issued under secs. 1 and 3, 39 Stat. 535, 41 Stat. 731, 45 Stat. 235, 49 Stat. 666, 52 Stat. 390, 49 Stat. 2041, 52 Stat. 407, 47 Stat. 1420, 1518, 53 Stat. 685, 45 Stat. 1057, 54 Stat. 249, 55 Stat. 745; 5 U. S. C. 132 (note), 16 U. S. C. 1, 3, 462, 4031, 833j, 9a, 460a, 460a-2, 460a-3, 450z, 43 U. S. C. 373, 617; E. O. 6166, June 10, 1933, as interpreted by E. O. 6228, July 28, 1933, and E. O. 7496, Nov. 14, 1936, 1 F. R. 1946.

§ 1.0 General provisions. The following regulations are hereby made, prescribed and published for the proper use, management, government, and protection of, and maintenance of good order in, all the National Parks, National Monuments, National Military Parks, National Battlefield Parks, National Historic Parks, National Historic Sites, National Parkways and connected rec-

reational areas, Battlefield Sites, the Lake Mead Recreational Area, and miscellaneous memorials which are, or hereafter may be, under the administrative jurisdiction of the National Park Service of the Department of the Interior: *Provided, however,* That the rules and regulations in this part shall not apply to National Cemeteries, National Capital Parks, or Recreational Demonstration Areas.

§ 1.1 Definitions. As used in the rules and regulations in this part, unless otherwise indicated:

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "Director" means the Director of the National Park Service.

(c) The term "Regional Director" means the administrative officer in charge of a region of the National Park Service.

(d) The term "superintendent" includes a custodian, caretaker, or other person in charge of a park or monument as hereinafter defined.

(e) The term "park" includes National Parks, National Military Parks, National Battlefield Parks, National Historical Parks, Lake Mead Recreational Area, and National Parkways and connected recreational areas.

(f) The term "monument" includes National Monuments, National Historic Sites, Battlefield Sites, and miscellaneous memorials.

§ 1.2 Preservation of public property, natural features and curiosities. (a) The destruction, injury, defacement, removal or disturbance in any manner of any public building, sign, equipment, monument, statue, marker, or other structure, or of any tree, flower, fruit, vegetation, rock, mineral formation, stalactite, stalagmite, phenomenon of crystallization, incrustation in any lava tube, cave, steam vent, or cone, or of any animal, bird, or other wildlife; or of any ruins, relic, or of any other public property of any kind, is prohibited.

(b) No canes, umbrellas, or sticks of any kind may be taken into caves or caverns. The tossing or throwing of rocks or other material inside the caves or caverns is prohibited.

(c) Bona fide claimants or entrymen claiming or owning land reasonably adjacent to Grand Teton National Park must procure written permits from the superintendent before cutting any dead or down timber within the park.

(d) Visitors in Hawaii National Park may, with the permission of the superintendent, pick and eat, or carry away, such fruits as the superintendent may designate.

(e) The unauthorized possession of any flower or other vegetation in any park or monument is prohibited.

§ 1.3 Camping. (a) No camping is permitted outside the specially designated campsites, except when necessary in connection with trips to isolated sections of the parks or monuments.

(b) The superintendent may establish limitations on the time allowed for camping in any public camping areas, and upon the posting of such limitations no person, party, or organization shall

be permitted to camp longer than the period limited for the particular area during any calendar year.

(c) Campers shall occupy the sites designated by the superintendent or his representative.

(d) In an emergency, the superintendent may require any camping area to be completely vacated.

(e) Campers shall keep their campsites clean. Combustible rubbish shall be burned on campfires and all other garbage and refuse of all kinds shall be placed in receptacles provided for the purpose. At new or unfrequented camps, garbage shall be burned or buried.

(f) Only in areas designated by the superintendent may campers use any dead or fallen timber for fuel, except that sequoia wood or bark shall not be disturbed for any purpose.

(g) The installation of permanent camping facilities by visitors is prohibited.

(h) The digging or leveling of the ground in any campsite without a ranger's permission is prohibited.

(i) Camps must be completely razed and the sites cleaned before the departure of campers. In dismantling camps, all material, such as poles, bark, planks, platforms, etc., used in the construction of temporary camps must be removed, and, if combustible, must be piled on the public camp woodpiles.

(j) Campers shall not leave their camps unattended for more than 48 hours without special permission of the superintendent, obtained in advance. Camping equipment left unattended in any public camping area for 48 hours or more is subject to removal by order of the superintendent, the expense of such removal to be paid by the person leaving such equipment.

(k) No camp may be established in a part or monument and used as a base for hunting outside such park or monument.

(l) No camp shall be placed within 25 feet of any water hydrant, main road, or well-defined water course.

(m) Any article likely to frighten horses shall not be hung near a road or trail used by horses.

(n) The superintendent may establish hours during which quiet must be maintained at any camp, and prohibit the running of motors at or near a camp during such hours.

(o) No camping is permitted in any part of the Muir Woods National Monument, and no hikers or visitors shall enter or remain therein between one-half hour after sunset and one-half hour before sunrise.

§ 1.4 Fishing. (a) Any person fishing in the waters of the Yosemite, Sequoia-Kings Canyon, Lassen Volcanic, Grand Canyon, Rocky Mountain, Grand Teton, Acadia, Wind Cave, Great Smoky Mountains, Shenandoah, and Zion National Parks, the Lake Mead Recreational Area, and the monuments under the jurisdiction of the National Park Service, must secure a sporting fishing license, as required by the laws of the state or states in which such park or monument is situated. All fishing in such parks and monuments must be done in conformity

with the laws of the state regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs, which are applicable to all parks and monuments.

(b) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hand, is prohibited: *Provided*, That fishing with trot and throw lines in the Green and Nolin Rivers in Mammoth Cave National Park is permitted: *Provided further*, That commercial fishing in the waters of Fort Jefferson and Glacier Bay National Monuments, and the use of seines for procuring bait in Mammoth Cave National Park, are permitted under special regulations.

(c) Fishing in particular waters may be suspended, or restricted in regard to the use of particular kinds of bait, under special regulations.

(d) The number of fish that may be taken by one person in any one day from the various lakes and streams shall be limited to 10 fish, unless otherwise provided by special regulations.

(e) Possession of more than 2 days' catch by any person at any one time is prohibited, unless otherwise provided by special regulations.

(f) No fish less than 6 inches long may be retained unless a different limit be established by special regulations. All fish hooked less than such limit in length shall be carefully handled with moist hands and returned at once to the water if not seriously injured. Undersized fish retained because seriously injured shall be counted in the number of fish which may be taken in 1 day.

(g) The possession of live or dead minnows, chubs, or other bait fish, or the use thereof as bait, is prohibited except in Acadia National Park, Fort Jefferson National Monument, the Green and Nolin Rivers in Mammoth Cave National Park, and the waters of Glacier Bay National Monument in which commercial fishing is permitted in accordance with regulations approved by the Secretary on February 28, 1941. (50 CFR, Cum. Supp., 222.17)

(h) The digging of worms for bait is prohibited in all parks and monuments.

(i) The canning or curing of fish for the purpose of transporting them out of a park or monument is prohibited.

(j) The possession of fishing tackle or fish upon or along any waters closed to fishing shall be prima facie evidence that the person or persons having such fishing tackle or fish are guilty of unlawful fishing in such closed waters.

(k) State fishing licenses and all fish taken must be exhibited upon demand to any person authorized to enforce the provisions of the regulations in this chapter.

(l) Fishing is prohibited in the Muir Woods National Monument.

(m) The Lake Mead Recreational Area is excepted from the provisions of paragraphs (b) to (j) of this section.

§ 1.5 Picnicking. (a) The superintendent may establish reasonable limitations on the time during which any person or group of persons may use any picnicking facility when, in his judgment,

such limitations are necessary for the accommodation of the visiting public.

(b) Picnicking or the eating of lunches is prohibited in restricted areas designated by the superintendent.

§ 1.6 Bathing. (a) Bathing in any of the streams or lakes near the regularly traveled thoroughfares, without proper bathing clothes, is prohibited.

(b) Bathing in particular waters may be prohibited by the superintendent when, in his judgment, such action is necessary for the protection of bathers or of water supplies.

(c) In Hot Springs National Park, the superintendent may establish the hours during which bathing will be permitted in the pool.

§ 1.7 Sanitation. (a) Campers and others shall not wash clothing or cooking or eating utensils in, or pollute in any other manner, the waters of the parks or monuments.

(b) The cleaning of fish or the washing of clothing at campground hydrants is prohibited.

(c) Garbage, papers, or refuse of any kind shall not be thrown or left on or along roads, in camping or picnic areas, or on any other park or monument lands.

(d) Contamination of watersheds, of water supplies, or of any water used for drinking purposes, is prohibited.

(e) All comfort stations shall be used in a clean and sanitary manner.

(f) The drainage or dumping of refuse from any trailer, except in places or receptacles provided for such purpose, is prohibited.

(g) Saddle, pack, or draft animals shall not be kept in or near any camping area. No such animals shall be kept on the floor of the Yosemite Valley except in the operator's corral. All privately owned horses traveling through Glacier National Park must be stabled at the operator's corral when they are kept in the vicinity of developed areas.

§ 1.8 Fires. (a) Fires shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or earth. On public campgrounds the regular fireplaces constructed for the convenience of visitors must be used. Should camp be made in a locality where no such open space exists or is provided, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.

(b) Fires shall be lighted only when necessary and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

(c) Permission to burn on any cleanup operation within the parks or monuments must first be obtained in writing from the office of the superintendent, and in such cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and all damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

(d) No lighted cigarette, cigar, pipe, heel, match, or other burning material shall be thrown from any vehicle or saddle animal or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material.

(e) The superintendent may, during such periods of time as he may prescribe, prohibit smoking on any lands, including roads, which he may designate.

(f) The building of fires on any lands within the parks or monuments may be prohibited or limited by the superintendent when, in his judgment, the hazard makes such action necessary.

(g) All persons making trips away from established camps are required to obtain written fire permits from the nearest ranger before building camp fires.

(h) The use of fireworks or firecrackers in the parks and monuments is prohibited, except with the written permission of the superintendent.

§ 1.9 Protection of wildlife. (a) The parks and monuments are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing or attempting to kill, wound, frighten, or capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited.

(b) Unauthorized possession within a park or monument of the dead body or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section.

(c) The carcasses of animals or birds or parts thereof, unlawfully taken or possessed within a park or monument, shall be seized and shall be disposed of as the superintendent may prescribe.

(d) During the hunting season, arrangements must be made at entrance stations to identify and transport through the parks and monuments, where necessary, the carcasses of birds or animals legally killed outside the parks and monuments. Failure to make such arrangements shall be deemed a violation of this section.

(e) During the hunting season, hunters may, under permits issued by the Superintendent of the Blue Ridge Parkway, park vehicles in designated parking areas and cross the parkway lands from and to their vehicles with dogs on leash, firearms with breech or chamber open, and game lawfully killed on lands adjacent to the Blue Ridge Parkway.

§ 1.10 Bears. The feeding, touching, teasing or molesting of bears is prohibited.

§ 1.11 Firearms, etc. (a) Explosives, traps, seines, nets, and loaded or assembled firearms are prohibited within the parks and monuments, except upon the written permission of the superintendent, or his authorized representative, unless they are adequately sealed, cased, broken down, or otherwise packed in such a way as to prevent their use while in the area: *Provided, however*, That visitors entering the parks and monuments, or traveling through them to places beyond, shall, at entrance, report all such objects in their possession and, if required to do so in the interest of special park protec-

tive measures, surrender them to the first park or monument officer whom they encounter. Such objects as may be surrendered will be returned to the owners upon their departure from the area. The Government, however, assumes no responsibility for the loss of, or damage to, any such objects so surrendered to any park or monument officer, nor are such officers authorized to accept the responsibility or custody of any other property for the convenience of visitors.

(b) The superintendent may, in his discretion, permit the carrying of firearms by employees under his administrative jurisdiction when such possession is deemed necessary in the performance of their official duties.

(c) At the discretion of the superintendent, approved guides in charge of pack trains or saddle horse parties may be permitted to carry unsealed firearms.

(d) Authorized law enforcement officers may carry unsealed firearms within the parks and monuments while engaged in the enforcement of Federal or State laws and regulations, or when otherwise necessary in the performance of their duties.

(e) The members of the armed forces of the United States shall be permitted to carry unsealed firearms; and, in the discretion of the superintendent, members of the armed forces of the several states or friendly foreign nations may be permitted to carry unsealed firearms. The provisions of this paragraph shall be applicable only during time of war in which the United States is engaged.

§ 1.12 *Radios, loud speakers, etc.* (a) The use of radios in public camps, hotels, or other buildings, or in automobiles, is prohibited when audible beyond the immediate vicinity of the radio set. Radios shall not be operated to the annoyance of other persons, nor so as to disturb the quiet of camps or other public places. The erection of aerials or other radio installation is prohibited.

(b) The use of loud speakers or public address systems, whether fixed or portable, on lands or highways in the parks and monuments is prohibited without first securing written permission from the superintendent.

§ 1.13 *Dogs and cats.* (a) Dogs and cats are prohibited on the Government lands in the parks and monuments unless such animals are on leash, crated, or otherwise under physical restrictive control at all times: *Provided, however,* That the superintendent may designate areas to which dogs and cats shall not be admitted: *Provided further,* That in special cases, the Director may authorize the keeping of dogs and cats by residents in a park or monument under such conditions as he may prescribe.

(b) Stray dogs or cats running at large in the parks and monuments, and dogs found in the act of pursuing wildlife, may be killed to prevent molestation of the wildlife therein.

(c) In Mount McKinley National Park, dogs may be used for hauling, with the permission of the superintendent, and subject to the following rights and restrictions:

In winter, prospectors and miners may use such dogs as may be necessary for

a reasonable time for heavy hauling of supplies, fuel, timber, and other objects; thereafter each person is limited to seven dogs. In summer, no dogs are allowed except in special cases. In no case nor at any time shall litters or pups be raised in the park except by special permission of the superintendent. Persons entering the park with dogs must register at McKinley Park entrance, Katishna entrance, or the nearest ranger station, giving such information as may be required by the superintendent.

(d) Bona fide clubs and associations holding permits from the Virginia Commission of Game and Inland Fisheries may, with the permission of the superintendent, hold field trials with dogs in Petersburg National Military Park: *Provided, however,* That shooting over or in front of such dogs is prohibited.

§ 1.14 *Mountain summit climbing.* (a) In Mount McKinley, Mount Rainier, and Grand Teton National Parks, mountain climbing shall be undertaken only with the permission of the superintendent.

(b) In Devils Tower National Monument, the climbing of Devils Tower beyond the talus slope or above the shelf or bench at the base of the definite columns, where such shelf or bench is present, shall be undertaken only with the permission of the superintendent.

(c) To insure reasonable chances of success, the superintendent shall not grant permission under paragraph (a) or (b) of this section until he is satisfied that all members of the party are properly clothed, equipped, and shod, are qualified physically and through previous experience to make the climb, and that the necessary supplies are carried.

(d) No individual will be permitted to start alone for the summit of Mount McKinley, Mount Rainier, or any major peak in Grand Teton National Park, or Devils Tower.

(e) While the Government assumes no responsibility in connection with any kind of accident to mountain-climbing parties, all persons starting to ascend Mount McKinley, Mount Rainier, or any major peak in Grand Teton National Park or Devils Tower, shall fill out an information blank furnished by the superintendent and shall report to him upon return.

(f) When the superintendent deems such action necessary he may prohibit all mountain climbing in the park or monument.

§ 1.15 *Collection of scientific specimens.* Collection of natural objects for scientific or educational purposes shall be permitted only in accordance with written permits first had and obtained from the superintendent. No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or educational institutions in procuring specimens for research, group study, or museum display. Permits will be issued only on condition that the specimens taken will become part of a permanent public museum or herbarium collection, or will in some suitable way be made permanently available to the public. No permits may be

granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance. Permits to secure rare natural objects will be granted by the Director only upon proof of special need for scientific use and of the fact that such objects cannot be secured elsewhere.

§ 1.16 *Archaeologic ruins and objects.* (a) Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity will be granted only to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or to their duly authorized agents, upon application to the Secretary.

(b) Visitors shall not remove any artifacts or other objects of archaeological or historical significance from the place where they may be found, nor purchase any such objects from Indians or others. Any such objects purchased or removed in violation of this section shall be delivered to the superintendent or his representative on demand.

(c) Visitors shall not be permitted to visit the ruins in Mesa Verde National Park unless accompanied by National Park Service employees. The superintendent may waive this requirement by issuing a special written permit to persons engaged in scientific studies.

(d) Visitors shall not be permitted to enter the canyons in Canyon de Chelly National Monument unless accompanied by National Park Service employees or authorized guides. The superintendent of Southwestern Monuments may, in his discretion, issue permits to properly qualified persons to act as guides for the purpose of accompanying visitors within the canyons.

(e) The superintendent may prohibit the public from entering or exploring any ancient ruins or other archaeological features of the park or monument under his supervision when in his judgment such entrance or exploration will tend to destroy or endanger such ruins or features: *Provided,* That the superintendent may issue special written permits to qualified persons to visit such places for the purpose of making scientific observations upon condition that no artifacts or other objects or features shall be removed or in any way disturbed.

§ 1.17 *Pack trains and saddle horse parties.* (a) No pack train or saddle horse party shall be allowed in Crater Lake, Glacier, Grand Canyon, Hawaii, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Yellowstone, Yosemite, Zion and Bryce Canyon National Parks, unless in charge of an approved guide. Guides may be required to pass an examination prescribed by the superintendent. Prospectors and miners in Mount McKinley and Olympic National Parks, and Death Valley National Monument, are excepted from the provisions of this paragraph.

(b) No person may pass through or camp in any of the parks, except Olympic, Yellowstone, Sequoia-Kings Canyon, Glacier, Rocky Mountain, and Grand Teton National Parks, using animals or camp equipment not hired from the authorized operators of saddle horse serv-

ice, where such service is established at the park under contract with the Secretary, unless the animals and equipment belong to a member or members of the party, and unless the other members are not renting, or in any way paying for the use of the animals or equipment, and unless the owners are not making the trip under any lease arrangement, and shall satisfy the superintendent that such are the facts.

(c) To conduct or operate, or to cause to be conducted or operated, a saddle horse party into, or to act as guide for any purpose within any of the parks mentioned in paragraph (a) of this section, without the written permission of the Director or the superintendent, is prohibited; and the person or persons so conducting, operating, or causing to be conducted or operated, or acting as guide shall be subject to the penalties prescribed by law for violation of the regulations in this part.

(d) No saddle horses shall be permitted in the Muir Woods National Monument.

§ 1.18 *Closing of areas.* The superintendent may, during any period of emergency, close to public use all or any part of the park or monument.

§ 1.19 *Report of accidents.* All accidents of whatever nature shall be reported as soon as possible by the person or persons involved, to the superintendent or at the nearest ranger station.

§ 1.20 *Grazing.* (a) The running at large, herding, or grazing of livestock of any kind on the Government lands in the parks and monuments, as well as the driving of livestock over the same, is prohibited, except where authority therefor has been granted by the issuance of a revocable permit by the Director or, when authorized by the Director, the appropriate Regional Director.

(b) Paragraph (a) of this section is subject to the exception contained in the act of Congress approved February 26, 1929 (45 Stat. 1314), relating to grazing in Grand Teton National Park, and to the exception contained in the act of Congress approved February 14, 1931 (46 Stat. 1161), reserving to the Navajo Tribe of Indians the right to the surface use of the lands in the Canyon de Chelly National Monument for agriculture, grazing, or other purposes.

(c) No authority may be granted for grazing in the Yellowstone National Park.

§ 1.21 *Dead animals.* All domestic or grazed animals that may die on any Government lands in the parks or monuments shall be removed immediately, or buried immediately by the owner or person having charge of such animals, at least two feet beneath the ground, and in no case less than one-fourth mile from any camp, thoroughfare, or source of water supply.

§ 1.22 *Begging, soliciting, etc.* (a) Begging is prohibited within the parks and monuments.

(b) Hitch-hiking is prohibited within the parks and monuments.

(c) Drumming and soliciting within the Hot Springs National Park for any

physician, surgeon, or any person publicly professing to relieve, cure, or heal, or for any bathhouse receiving water from the Hot Springs National Park are prohibited.

§ 1.23 *Disorderly conduct.* Persons who render themselves obnoxious by disorderly conduct or bad behavior shall be subject to the penalties hereinafter prescribed for violation of the regulations in this part, and in addition thereto, or in lieu thereof, may be summarily removed from the park or monument by the superintendent.

§ 1.24 *Abandonment of property.* The abandonment of any personal property in the parks and monuments is prohibited.

§ 1.25 *Lost articles.* Persons finding lost articles, other than relics, should deposit them at the office of the superintendent, or at the nearest ranger station, leaving their own names and addresses, so that if the articles are not claimed by the owners within 60 days, they may be turned over to those who found them.

§ 1.26 *Fraudulently obtaining accommodations.* The obtaining of food, lodging, or other accommodations in the parks and monuments, with intent to defraud, is forbidden, and such fraudulent intent will be presumed from refusal or neglect to pay therefor on demand, or payment therefor with negotiable paper on which payment is refused, or absconding without paying or offering to pay therefor, or false or fictitious showing or pretense of baggage or other property, or surreptitious removal or attempted removal of baggage.

§ 1.27 *Prospecting and mining.* Prospecting and the location of mining claims on Government owned lands within the parks and monuments are prohibited, except that in Mount McKinley National Park, Organ Pipe Cactus, Death Valley and Glacier Bay National Monument, prospecting and mining may be prosecuted under special regulations prescribed by the Secretary. Mineral lands within the Lake Mead Recreational Area may, in the discretion of the Secretary, be opened to location, entry, and patent under the general mining laws, under the provisions of the act of April 23, 1932 (47 Stat. 136; 43 U. S. C., 1946 ed., sec. 154). The act of February 14, 1931 (46 Stat. 1162; 16 U. S. C. sec. 445a), reserves to the Navajo Tribe of Indians the mineral rights in the Canyon de Chelly National Monument.

§ 1.28 *Gambling.* Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited.

§ 1.29 *Motion or sound pictures.* Before any motion or sound picture may be filmed in any park or monument, except by amateurs and bona fide news reel photographers, authority must first be obtained, in writing, from the superintendent, which authority will be granted, in the discretion of the superintendent, under special regulations prescribed by the Secretary.

§ 1.30 *Advertisements.* Private notices or advertisements shall not be

posted, distributed, or displayed in the parks or monuments, excepting such as the superintendent may deem necessary for the convenience and guidance of the public.

§ 1.31 *Private operations.* (a) No person shall reside permanently on Federally owned lands within any park or monument, except National Park Service employees or other persons authorized to do so by law or by the issuance of a revocable permit by the Director or, when authorized by the Director, the appropriate Regional Director.

(b) No person, firm, or corporation shall engage in or solicit any business, or erect buildings on Federally owned lands within any park or monument without a revocable permit from the Director or, when authorized by the Director, the appropriate Regional Director. Applications for such permission may be addressed to the superintendent of the area involved.

(c) No person, firm, or corporation shall construct, or attempt to construct, a telephone line, telegraph line, power line, or other private or public utility, over, through, or under any Federally owned land within any park or monument without a revocable permit from the Director or, when authorized by the Director, the appropriate Regional Director.

(d) No person, firm, or corporation shall construct, or attempt to construct, a road, trail, path, or other way, over, across or upon any Federally owned land within any park or monument without a revocable permit from the Director or, when authorized by the Director, the appropriate Regional Director.

§ 1.32 *Private lands.* (a) Owners of private lands, including Indian lands owned either individually or tribally, within the limits of any park or monument are entitled to the full use and enjoyment thereof, subject to any regulations by the Secretary specifically relating to such private lands; the boundaries of such lands, however, shall be determined, marked, and defined, so they may be readily distinguished from the park or monument lands.

(b) Private owners shall provide against trespass by their livestock upon lands of the parks or monuments, and owners and persons in charge of trespassing livestock shall be subject to the penalties provided by law for violation of the regulations in this part.

(c) Stock may be taken over the lands of parks and monuments with the written permission and under the supervision of the superintendent, but such permission and supervision are not required when access to such private lands is had wholly over roads or lands not owned or controlled by the United States.

(d) No person shall maintain a nuisance upon private lands within a park or monument.

(e) The provisions of §§ 1.7 (a), (d), and 1.8 (a), (b), (c), (d), (f), (h), are applicable to private lands within all parks and monuments.

§ 1.33 *Travel on trails.* (a) Pedestrians on trails shall remain quiet when saddle or pack animals are passing.

(b) Persons traveling on the trails, either on foot or on saddle animals, shall not make short cuts, but shall confine themselves to the established trails.

(c) Any or all roads and trails may be closed to public use by order of the superintendent when, in his judgment, conditions make travel thereon hazardous or dangerous, or when such action is necessary to protect the parks or monuments.

(d) The loose herding of pack and saddle animals on park trails is prohibited: *Provided*, That the superintendent may permit such loose herding on hazardous trails, or portions thereof, designated by him.

(e) Motorcycles, or other motor vehicles or bicycles, shall not be operated upon trails.

§ 1.34 Travel on roads. (a) Saddle horses, pack trains, and horse-drawn vehicles have right-of-way over motor-propelled vehicles at all times.

(b) Horseback travel over automobile roads is prohibited except where such travel is necessary for ingress to and egress from privately owned property in the parks or monuments, or incidental to authorized trail trips.

(c) Pack trains and saddle horse parties are prohibited from using oil-surfaced roads. Where, in emergencies, it becomes necessary for such pack trains or saddle horse parties to travel along oil-surfaced roads, such travel shall be confined to the unrolled shoulders of the roads.

(d) Any person or persons riding saddle animals, or leading animals of any kind through any tunnel, shall display a light upon the approach of any vehicle.

(e) No vehicle shall be operated outside the roadways or designated parking areas.

(f) Load and weight limitations shall be those prescribed from time to time by the superintendents, and shall be complied with by the operators of all vehicles using the roads of the parks and monuments. Schedules showing weight limitations for the different roads may be seen at the offices of the superintendents and at ranger stations at entrances.

(g) There shall not be operated or moved upon any road any vehicle of any kind the face of wheels or tracks of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes, or any device which may tend to injure the roadway. This section applies to all rings or flanges upon guiding or steering wheels on any such vehicles, but it shall not be construed as preventing the use of ordinary detachable tire or skid chains.

(h) The superintendent may establish the hours during which any of the roads shall be open to the public, and the direction of travel thereon. During any period of emergency the superintendent may prescribe such other conditions regarding travel as may, in his judgment, appear necessary. Information regarding such hours, direction, and conditions of travel may be obtained upon application at the office of the superintendent, or at the ranger stations.

(i) In Acadia National Park, no motor vehicles are permitted on any road spe-

cially marked, designated or constructed for horse-drawn vehicular traffic except for general road and roadside maintenance, repair and construction purposes, fire fighting, or in case of accident.

§ 1.35 Automobiles operated for pleasure. The parks and monuments where common carrier service is established under authorization and supervision of the Government are open to automobiles operated for pleasure but not to those carrying passengers who are paying, either directly or indirectly, for the use of machines (excepting, however, automobiles used by transportation lines operating under Government franchise). Any person operating an automobile in contravention of the provisions of this section shall be deemed guilty of its violation.

§ 1.36 Commercial automobiles and busses. (a) In Yellowstone, Yosemite, Sequoia-Kings Canyon, Mount Rainier, Crater Lake, Mesa Verde, Glacier, Rocky Mountain, Grand Canyon, Zion, Lassen Volcanic (except those portions of Highway No. 89 and Highway No. 44 crossing the northwest corner of the Park outside the Manzanita Lake checking station), Hawaii (except the Mamalahoa Highway for purposes of through traffic), Bryce Canyon National Parks, Cedar Breaks National Monument, Death Valley National Monument (except State Highway No. 190), Lake Mead Recreational Area (except the Kingman-Las Vegas Highway), the commercial use of the Government roads by all operators of public transportation facilities, except by those holding a contract from the Secretary for a particular park or monument, is prohibited: *Provided*, That motor vehicles operated under the following conditions are not deemed "commercial" within the meaning of this section, and may be admitted to the foregoing parks and monuments upon a satisfactory showing to the superintendent or his representative that the conditions of operation are within the following exceptions, and upon the following conditions:

(1) Motor vehicles carrying only members of educational, welfare, and scientific organizations, such as boy scouts, accredited schools and universities, or bona fide mountaineering organizations, when the trip to a park or parks is initiated, organized and directed by such organization. Motor vehicles on such trips will be admitted to the parks without charge other than the usual automobile permit fee charged at the particular park only when credentials from the head of such institution or organization are shown to the effect that the visit is initiated, organized and directed by the particular institution or organization. Motor vehicles on trips for which passengers are solicited for the profit of the organization or the transportation operator will not be admitted under this classification.

(2) Pleasure cars rented by the week, month, etc., for general transportation purposes in and outside the park to be visited, and not rented expressly for a single trip through the park unless in connection with a tour on which the trip to the park is merely incidental. Admis-

sion will be accorded such cars upon satisfactory showing at entrance of above status upon payment of the usual automobile permit fee for the particular park.

(3) Motor vehicles rented or chartered by an organization or a group of individuals associating themselves for a general tour on which the visit to a park or parks is an incident to such tour, provided that the tour is not organized, advertised, or sold to passengers by an organization or an individual for personal profit. Admission to each park will be accorded for such tours upon payment of a special tour permit fee of \$10.00 per car per trip in addition to the usual automobile permit fee charged at the parks visited. The special permit fee of \$10.00 is for one entrance to a park only.

(b) Bus companies, tour agencies, individuals, and all others proposing to operate automobiles or bus tours for profit to any or all of the foregoing parks will not be permitted to operate therein.

(c) Motor vehicles that are so large as to require motorcycle escort in order to proceed safely over park roads, or which in the judgment of the superintendent are beyond the carrying capacity or safety factor of the roads, will not be permitted in the parks, except that where they may satisfactorily enter park headquarters they may be parked there during the period of stay.

(d) All special permits issuable under paragraph (a) of this section shall be secured and fees paid at the park entrance upon arrival.

§ 1.37 Commercial trucks. (a) The use of the Government roads of any park or monument by commercial trucks, when such trucking is in no way connected with the operation of the park or monument, is prohibited, except that in emergencies special trucking permits may be issued by the superintendent, for which a fee will be charged.

(b) The superintendent may, in his discretion, issue permits without charge for trucks used on Government roads in connection with private lands situated within the boundaries of the park or monument.

(c) Trucking over roads which are officially posted indicating no trucking is allowed shall be deemed a violation of this section.

§ 1.38 Motorcycles. Motorcycles are admitted to the parks and monuments under the same conditions as automobiles, and are subject to the same regulations so far as they are applicable.

§ 1.39 House trailers. (a) House trailers are admitted to the parks and monuments under the same conditions as automobiles, except that, in the discretion of the superintendent, they may be required to occupy separate camping areas.

(b) The superintendent may, in his discretion, exclude trailers during the winter season when campgrounds are closed.

§ 1.40 Permits. (a) Where required, no motor vehicle or house trailer may be operated in the parks or monuments without a permit, which is good only in the park or parks or monument for which issued. The permit

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must be carried in the motor vehicle or trailer and exhibited to the park rangers on request. Permits are issued for the calendar year upon payment of the required fee. Permits are issued for individual automobiles and may not be transferred to another automobile under any circumstances.

(b) In Shenandoah National Park and Blue Ridge Parkway trip permits good only on the day issued may be obtained.

(c) The issuance of a yearly permit for a house trailer confers no right to occupy any camping area for a period longer than that prescribed by the superintendent.

(d) The Regional Director may prescribe periods when any park or monument is not in full operation, during which the collection of the permit, guide, or admission fees prescribed for such park or monument shall be suspended.

(e) Nothing in the regulations in this part shall be construed so as to interfere with the free public use of Lee Highway or Spotswood Trail in Shenandoah National Park or U. S. Highways Nos. 66 and 263 in Petrified Forest National Monument. The provisions of §§ 1.35 to 1.39 are not applicable to traffic on the Mineral Kings Road in Sequoia National Park, U. S. Highway No. 410 in Mount Rainier National Park, or the Painted Desert Rim Road in Petrified Forest National Monument.

(f) In Mount Rainier National Park, no permits are required for the operation of motor vehicles on the road to the Ohanapeosh campground area. Through traffic over the East Side Road by noncommercial passenger vehicles, and by trucks under 5,000 pounds gross weight, is permitted without charge.

§ 1.41 *Entrances and exits.* (a) Automobiles, trucks, and other vehicles shall enter or leave the parks and monuments only at regular designated entrances and exits, and between such hours as shall be determined by the superintendent and indicated by official signs posted for that purpose.

(b) All vehicles shall come to a full stop at entrance and exit stations.

§ 1.42 *Limitations on speed.* (a) Speed of vehicles is limited to 35 miles per hour, unless a different limit is prescribed for a particular road or roads by special regulations. In every event, vehicles shall be driven or operated at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or roadway conditions.

(b) The provisions of this section shall not apply to any vehicle when driven or operated in an emergency for the protection or preservation of life, health, or for public safety: *Provided*, That this subparagraph shall not be so construed as to authorize any such vehicle to be driven or operated at a rate of speed in excess of that which is reasonable under conditions prevailing at such time.

(c) As used in this section, the term "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway.

§ 1.43 *Teams.* When teams, saddle horses, or pack trains approach, motor vehicles shall be so manipulated as to allow safe passage for the other party. In no case shall motor vehicles pass such animals on the road at a greater speed than 10 miles per hour, or in such a manner or with such noise as to frighten them.

§ 1.44 *Right-of-way.* (a) Any vehicle traveling slowly on any of the roads, when overtaken by a faster moving motor vehicle, and upon suitable signal from such overtaking vehicle, shall move to the right to allow a safe passage.

(b) When automobiles going in opposite directions meet on a grade, the ascending machine has the right-of-way, and the descending machine shall be backed or otherwise handled as may be necessary to enable the ascending machine to pass in safety.

§ 1.45 *Following vehicles.* Except in slow moving traffic, a vehicle shall not follow another vehicle closer than 50 feet, nor closer than 15 feet at any time.

§ 1.46 *Brakes.* Every motor vehicle, or combination of motor vehicle and trailer, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle or combination of vehicles.

§ 1.47 *Clutches and gears.* No motor vehicle shall be operated on any highway with clutch disengaged or gear out of mesh except for the purpose of changing or shifting gears or stopping or while being towed, or when such vehicle is equipped with commercial freewheeling devices.

§ 1.48 *Lights.* (a) Every motor vehicle other than a motorcycle shall be equipped with two headlights and one or more red taillights. Trailers and semi-trailers shall be similarly equipped with red taillights.

(b) Every motorcycle shall be equipped with at least one headlight and one red taillight.

(c) Every bicycle upon a highway during the times when lights are required shall exhibit a white light on the front and a red light on the rear, except that a red reflector may be used in lieu of a rear light.

(d) Every horse-drawn vehicle upon a highway during the times when lights are required shall exhibit at least one white light on the left side in such manner as to be readily and distinctly seen from both front and rear.

(e) All lights shall be of sufficient brilliance to insure safety in driving at night. All lights shall be lighted during the period from one-half hour after sunset to one-half hour before sunrise when the vehicle is on a road, at all times when passing through unlighted tunnels, and at any other time when there is not sufficient natural light to render clearly discernible a person or object at least 200 feet ahead. Headlights shall be dimmed,

depressed or tilted when meeting other vehicles, riding or driving animals, bicyclists, or pedestrians.

(f) The use of red lighting devices of any character on the front of any vehicle, except highway patrol cars, ambulances, and snow plows, is prohibited.

§ 1.49 *Sounding horn.* The horn shall be sounded on approaching sharp curves or other places where the view ahead is obstructed, or before passing other vehicles or pedestrians, or, if necessary, before passing riding or driving animals.

§ 1.50 *Muffler cut-outs.* Muffler cut-outs shall be kept closed at all times.

§ 1.51 *Accidents; stop-overs.* If vehicles stop because of accident or other emergency, they shall be immediately parked in such a way as not to interfere with travel on the road.

§ 1.52 *Traffic signs.* Drivers of all vehicles shall comply with the directions of all official traffic signs posted in the parks and monuments.

§ 1.53 *Persons prohibited from driving.* (a) No person shall drive a motor vehicle in a park or monument unless such person has a valid operator's license: *Provided*, That any person who is a resident of a State, district, territory, or foreign country which does not require the licensing of operators may drive a motor vehicle if such person is at least 15 years of age. The provisions of this paragraph shall not apply to employees of other Federal agencies or of States or territories or their political subdivisions operating motor vehicles on official business. Employees of the Department of the Interior shall be governed by the "Regulations and Safe Driving Practices of the Department of the Interior for the Operation of Motor Vehicles by Employees on Official Business, July, 1946."

(b) No person who is under the influence of intoxicating liquor or narcotic drugs shall drive a motor vehicle of any kind in a park or monument.

§ 1.54 *Prevention of smoke, etc.* The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

§ 1.55 *Excessive acceleration of engine.* The excessive acceleration of the engine of a motor vehicle while such vehicle is not moving, or is approaching a stopping place, is prohibited.

§ 1.56 *Obstructing traffic.* No person shall cause or permit a motor vehicle under his control to obstruct traffic by making right or left turns from the wrong traffic lane or by weaving in and out of traffic, or in any other manner.

§ 1.57 *Signals by hand and arm or signal device.* No person driving a motor vehicle shall fail to give proper hand signals or confuse other motorists by false signals or unnecessary extension of the hand or arm outside the vehicle. The following signals shall be given by extending the hand and arm from the left side in the following manner:

(a) Left turn. Hand and arm extended horizontally.

(b) Right turn. Hand and arm extended upward.

(c) Stop or decrease speed. Hand and arm extended downward:

Provided, however, That in lieu of such hand signals, signals may be given by a signal lamp or signal device which conveys an intelligible signal or warning to another driver approaching from the front or rear.

§ 1.58 *Reckless driving.* The driving of any vehicle on a Government road in a park or monument in willful or wanton disregard for the safety of persons or property is prohibited.

§ 1.59 *Boats.* (a) No privately owned boat, canoe, raft, or other floating craft shall be placed or operated upon the waters of any park or monument without a permit from the superintendent, who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of the permittee to comply with the terms and conditions of the permit.

§ 1.60 *Discrimination in furnishing public accommodations.* The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodation within areas administered by the National Park Service are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges offered to or enjoyed by the general public.

§ 1.61 *Aircraft.* The landing of commercial and private aircraft within the national parks and monuments is generally incompatible with the purposes for which the parks and monuments are administered. No person shall land aircraft on land or water, on any Federally-owned area within any national park or monument, except for emergency rescue in accordance with the directions of the officer in charge of the park or monument or where such landing is caused by unforeseeable circumstances beyond the control of such person, other than at one of the following designated landing areas:

(a) *Mount McKinley National Park, Alaska.* (1) McKinley Park Station airport, located in Sections 3 and 4, Township 14 South, Range 7 West, and Sections 33 and 34, Township 13 South, Range 7 West, Fairbanks Meridian.

(2) The surface of Wonder Lake, located in unsurveyed lands at approximate latitude 63 degrees 28 minutes North, approximate longitude 150 degrees 53 minutes West.

(b) *Death Valley National Monument, California.* Death Valley airport, located in SW $\frac{1}{4}$ Section 15, and NW $\frac{1}{4}$ Section 22, Township 27 North, Range 1 East, San Bernardino Base and Meridian.

(c) *Glacier Bay National Monument, Alaska.* (1) Gustavus Point airport, located in Sections 5, 7, 8, and 9, Township

40 South, Range 59 East, Copper River Meridian.

(2) The waters of Bartlett Cove, Sandy Cove, and Icy Strait in the vicinity of Gustavus Point airport.

(d) *Jackson Hole National Monument, Wyoming.* Jackson airport, located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11, S $\frac{1}{2}$ and NW $\frac{1}{4}$ Section 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15, Township 42 North, Range 116 West, 6th Principal Meridian.

(e) *Lake Mead Recreational Area, Arizona and Nevada.* (1) Boulder City Municipal Field, located in Sections 8, 9, 16, and 17, Township 23 South, Range 64 East, Mt. Diablo Meridian, Nevada.

(2) The entire surface of Lake Mead.

(3) Temple Bar landing strip located at approximate latitude 36 degrees north, approximate longitude 114 degrees 19 minutes west.

(4) Pierce's Ferry landing strip located at approximate latitude 36 degrees 03 minutes north, approximate longitude 114 degrees 05 minutes west.

§ 1.62 *Impounding of animals.* (a) Livestock and dogs trespassing on any lands of the United States in a National Park Service area may be impounded by the superintendent in charge and shall be disposed of in accordance with state statutes insofar as the same may be applicable. In the absence of applicable state statutes the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served upon him, and in the event of his failure to remove the impounded animal within five (5) days from delivery of such notice, it will be sold or otherwise disposed of as prescribed in this chapter.

(c) If the owner is unknown, no sale or other disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date that a notice of the impounding is first published in a newspaper of general circulation in the county in which the trespass occurs and posted at the county courthouse.

(d) Regional directors and superintendents are hereby authorized to order the publication of such notices in newspapers by direct transmittal to the publisher of the standard form of advertising order approved by the Comptroller General.

(e) The notice shall state when and where the animal was impounded; shall describe it by brand or earmark, or both, or, in the absence of such distinguishing marks, by such other means as are necessary reasonably to identify such animal; shall specify the time and place it will be offered at public sale to the highest bidder in default of redemption by the owner on or before that date; and shall reserve the right of the official conducting the sale to reject any and all bids so received.

(f) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, and impounding, and the amount of damage to any National Park Service property injured or destroyed by or through such trespass. Upon the sale of any animal in accord-

ance with this regulation, the regional director or superintendent shall issue a certificate of sale.

(g) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is in an amount less than the amount of the claim of the United States or of the officer's appraised value of the animal, whichever is the lesser amount, such animal may, in the discretion of the superintendent be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States if of value for that purpose.

(h) In determining the claim of the Government in all livestock trespasses on National Park Service areas, the value of forage consumed shall be computed at the daily, weekly, monthly, or yearly commercial rates prevailing in the locality for the class of livestock found in trespass. In addition, the claim shall include damages to National Park Service property injured or destroyed by trespassing livestock and dogs, the expenses incurred in impounding, sale, or other disposition of such animals, and the pro rata salary of Service employees for the time spent and the expenses incurred in and about the investigations, reports, and settlement or prosecution of the case.

(i) When the amount received in the sale of the animal either at auction or private sale, or when the appraised value of the animal in case it is converted to the use of the Government, is insufficient to meet the amount of the Government's claim, or when it is necessary to destroy the impounded animal without benefit to the Government, the facts shall be fully reported to the Director for appropriate action to obtain full satisfaction of the Government's claim.

§ 1.90 *Special regulations.* Special regulations necessary to cover local situations will be published in the FEDERAL REGISTER and may be seen at the headquarters of the parks or monuments in which they are operative.

§ 1.91 *Penalties.* (a) Any person who violates any provision of the rules and regulations in this chapter, or as the same may be amended or supplemented, in regard to any national park or monument not specified in paragraph (b) or (c) of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or imprisonment for not exceeding 6 months, or both, and be adjudged to pay all costs of the proceedings.

(b) Any person who knowingly and willfully violates any provision of the rules and regulations in this chapter, or as the same may be amended or supplemented, in regard to any of the national military parks, battlefield sites, national monuments, or miscellaneous memorials transferred to the jurisdiction of the Secretary of the Interior from that of the Secretary of War by Executive Order No. 6166, June 10, 1933, and enumerated in Executive Order No. 6228, July 28, 1933, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3

months, or by both such fine and imprisonment.

(c) Any person violating any provision of the rules and regulations in this chapter, or as the same may be amended or supplemented, in regard to any national historic site shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 and be adjudged to pay all costs of the proceedings.

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

GENERAL PROVISIONS

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- 3.44 Fees; admission, service, utility.
- 3.101 Schedule of minimum collateral (General Order No. 68).

AUTHORITY: §§ 3.1 to 3.101 (with exceptions cited in parentheses following sections affected) issued under sec. 6, 30 Stat. 571, sec. 3, 39 Stat. 535, as amended, sec. 3, 43 Stat. 983, sec. 16 (b), 43 Stat. 1126, sec. 1 (a), 46 Stat. 483, E. O. 6166, June 10, 1933, 54 Stat. 785; 8 D. C. Code 143, 16 U. S. C. 3, 40 D. C. Code 613, 5 U. S. C. 132 (note).

§ 3.1 Applicability of regulations. This part applies to all public parks, parkways, waters, reservations, roads, streets and sidewalks in the National Capital and its environs in Maryland and Virginia under the jurisdiction of the National Park Service and administered through the Office of the National Capital Parks.

This part shall not be construed to prevent the performance of any duly authorized or required function within the areas described.

NOTE: Statutory provisions and other materials pertaining to jurisdiction, administrative powers and duties are contained in appendix to this part, filed as part of the original document.

§ 3.2 Applicability of federal laws. In all park areas all acts of Congress shall be enforced insofar as applicable.

§ 3.3 Applicability of District of Columbia and State laws. (a) The laws and regulations promulgated for the District of Columbia shall be enforced, insofar as applicable, in all park areas within the District of Columbia.

(b) In areas under the jurisdiction of the National Park Service in the environs of the National Capital, but outside the geographical limits of the District of Columbia, the laws of the State within which the area is located shall be invoked and enforced in accordance with section 289 of the Criminal Code, 18 U. S. C. 468.

§ 3.4 Definitions. As used in this part the following words shall have the following meanings:

(a) **Park area.** Any and all developed and undeveloped park areas, ground, playgrounds, plazas, squares, circles, triangles, islands, ways, streets, sidewalks, roads, boulevard, parkways, canals, waters, buildings, monuments, structures, and other properties under the jurisdiction of the National Park Service and administered through the Office of the National Capital Parks.

(b) **Secretary.** The Secretary of the Interior.

(c) **Director.** The Director of the National Park Service and any subordinate official authorized by the Secretary to act for the Director.

(d) **Superintendent.** The Superintendent of the National Capital Parks and any subordinate official authorized by the Director to act for the Superintendent.

(e) **Official permit.** Permits issued by the authority of the Secretary, the Director or the Superintendent.

(f) **Official signs.** Any sign or signs posted by order of the Secretary, Director or the Superintendent.

(g) **Person.** Individuals, partnerships, firms, corporations, governmental agencies, and voluntary associations.

(h) **Driver.** The rider, driver, or leader of any horse or other riding or draft animal; a person who pushes, draws or propels a vehicle, and the operator of a motor vehicle.

(i) **Horse.** Any riding or draft animal or beast of burden.

(j) **Public highway.** Any street, road, highway or public thoroughfare in a park area.

(k) **Vehicle.** Any conveyance or animal ordinarily used for riding or driving purposes.

(l) **Commercial vehicle.** Any vehicle designed and regularly used for carrying freight or merchandise.

(m) **Parking.** Any vehicle left standing, whether or not attended, except when standing in obedience to traffic regulations, signs or signals, or to a police officer.

§ 3.5 Penalties—(a) Regulations in this part. Any person violating any of the provisions of this part, except violations of traffic and motor vehicle regulations in park areas in the District of Columbia, shall, upon conviction thereof, be punished by a fine of not more than \$500 or imprisonment for not exceeding six months or both. (Sec. 6, 30 Stat. 571, sec. 5, 41 Stat. 732; 8 D. C. Code 143, 16 U. S. C. 3)

(b) **Traffic violations in District of Columbia.** Any person violating any of the provisions of the traffic and motor vehicle regulations contained in this part in park areas in the District of Columbia, except where a penalty is otherwise provided, shall, upon conviction thereof, be punished by a fine of not more than \$300 or imprisonment of not more than 10 days or both. (Sec. 6, 30 Stat. 571, sec. 16 (b), 43 Stat. 1126; 8 D. C. Code 143, 40 D. C. Code 613)

(c) **Statutes: other applicable regulations.** Any person violating any act of Congress or State law adopted by Congress or rule or regulation promulgated by other Federal officials, the Commissioners of the District of Columbia or other municipal officials, which is in force and applicable in any park area shall, upon conviction, be punished in accordance with the penalty provisions of such act, rule or regulation.

§ 3.6 Place of trial. Any person violating any of the regulations contained in this part in park areas within the District of Columbia is subject to prosecution and trial in the Municipal Court for the District of Columbia. Any person violating any of the regulations contained in this part in park areas within the States of Maryland or Virginia may be tried by a United States Commissioner authorized to try petty offenses in the judicial district in which the offense was committed or, if the person charged with the offense so elects, he shall be tried in the district court of the United States which has jurisdiction over the offense. (18 U. S. C. 576, 576a)

§ 3.7 Park property; miscellaneous provisions—(a) Statues and other structures. No person shall climb upon or in any way injure any statue, fountain, wall, banister, ledge, fence, balustrade, railing or other structure.

(b) **Water system.** No person shall tamper with drinking fountains, hydrants, or other water system facilities.

(c) **Life buoys.** No person shall tamper with or remove life buoys from their fastenings except for the purpose of aiding a person who is in the water.

(d) **Injury to lawns.** No person shall make any use of lawn areas which tends to injure the lawns in any manner. This

section shall not be construed to prohibit casual strolling over lawn areas.

(e) *Short cuts.* No person shall make short cuts which tend to make paths.

(f) *Signs.* No person shall tamper with, mar, remove or destroy any official or public sign.

(g) *Dumping.* No person shall dump any material or refuse of any description in any park area, except when authorized by the Superintendent.

(h) *Storage.* No person shall store material of any description, or displace, leave, house, or permit to be placed or left in any park area any vehicle or parts of vehicles, or rubbish of any description, except when authorized by the Superintendent.

(i) *Fences and other structures.* No person shall enclose any park area or erect any fence, wall, or build any trail, road, bridge or other structure in any park area, except when authorized by the Director.

(j) *Spilling of deleterious substances.* No person shall pour or cause to spill or permit to escape in any park area any oil, gas, salt, acid or other deleterious substance whether liquid, solid or gaseous, except when authorized by the Superintendent.

(k) *Other injury or removal.* Any other injury to or removal of any government property is prohibited.

§ 3.8 *Lamps and lamp posts.* (a) No person shall break, damage, or carry away any lantern, glass, frame, street designation, fixture, or other part or appurtenance of any public lamp; or hitch, tie or fasten any animal to any lamp post or appurtenance thereof.

(b) No person shall take up or carry away any public lamp post, or extinguish or obstruct the light in any public lamp, or cap or plug the service pipe of any public lamp.

(c) No person shall climb, damage or destroy any public lamp post, or attach any guy line or sign thereto, or deface any public lamp post or appurtenance thereof by means of lime, mortar, paint, or other material; or pile material of any kind against any public lamp post.

§ 3.9 *Comfort stations and other structures.* (a) No person shall enter, remain, or loiter in any comfort station or other public structure in a park area except to use such facility for the purpose for which it is intended.

(b) No person shall deposit any bodily waste in or on any portion of any comfort station or other public structure in a park area excepting directly into such particular fixtures as may be provided for that purpose, nor place any bottle, can, cloth, rag, or metal, wood or stone substance in any of the plumbing fixtures in such station or structure.

(c) In a comfort station or other public structure in a park area, no person shall interfere with any attendant in the performance of his or her duty.

(d) No person shall cut, deface, mar, destroy, or break, or write on or scratch any wall, floor, ceiling, partition, fixture, or furniture, or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any comfort station or other public structure in a park area. (Sec. 6, 30 Stat. 571,

sec. 3, 39 Stat. 535, as amended, sec. 3, 43 Stat. 983, sec. 16 (b), 43 Stat. 1126, sec. 1 (a), 46 Stat. 483, 54 Stat. 785; 16 U. S. C. 3, 5 U. S. C. 124-132, 8 D. C. Code 143, 40 D. C. Code 613. E. O. 6166, June 30, 1933)

§ 3.10 *Trees, shrubs, plants, grass and other vegetation.*—(a) *General injury.* No person shall prune, cut, carry away, pull up, dig, fell, bore, chop, saw, clip, pick, move, sever, climb, molest, take, break, deface, destroy, set fire to, burn, scorch, carve, paint, mark, repair, treat, or in any manner interfere with, tamper, mutilate, misuse, disturb or damage any tree, shrub, plant, grass, or part thereof, nor shall any person permit any chemical, whether solid, fluid or gaseous, to seep, drip, drain or be emptied, sprayed, dusted or injected upon, about or into any tree, shrub, plant, grass or part thereof; nor shall any person build fires or station or use any tar kettle, heater, road roller or other engine within a park area in such a manner that the vapor, fumes or heat therefrom may injure any tree or other vegetation.

CROSS REFERENCE: For parking which may impair vegetation and trees, see § 3.32 (a) (1) and (8).

(b) *Animals.* No person shall hitch, tie or fasten any horse or other animal to, or within reach of, any tree, shrub, plant, tree box or tree guard.

CROSS REFERENCE: For regulations with respect to domestic animals, see also §§ 3.11 to 3.13.

(c) *Attachments.* No person shall hitch, tie, fasten, nail, anchor, screw or otherwise attach any wire, cable, chain, rope, card, sign, poster advertisement, notice, announcement, handbill, board or other article or device to any tree, shrub or plant, without first obtaining an official permit.

(d) *Excavations.* No person shall excavate any ditches, tunnels, holes or trenches, or lay any sewer or pipe line, drain, conduit or cable, walk, path, drive or highway within or affecting any park area, without first obtaining an official permit. In making permitted excavations proper care shall be taken to prevent injury to the roots of trees, shrubs, or plants. Upon completion of the work, the ground surface shall be restored by the permittee and the correction of any future settling of the back fill shall likewise be the responsibility of the permittee.

(e) *Guards.* All trees, shrubs, or other plants growing within any park area near any excavation or construction of any kind, shall be protected with a substantial and adequate guard constructed by the permittee.

(f) *Gas.* Any person owning or operating beneath the ground, in or adjacent to park areas, any pipes or other conduits for the transmission or delivery of illuminating gas, oil, steam or other substance in liquid or gaseous form, shall locate and maintain such pipes or conduits free from leaks and in such condition as to prevent injury to any tree, shrub, plant, lawn, or other vegetation growing within park areas.

(g) *Wires.* No person shall string any wire or wires through or above any park areas; nor prune or remove branches or

trees which may now or hereafter interfere, rub or grow near existing wires; nor attach any wire, insulator or device to trees or within any area covered by the root system of trees, without first obtaining an official permit. Any person having jurisdiction or control over any wire or conduit for the transmission of an electric current shall guard all trees through which such wires or conduits pass, against any injury from the wires or the electric current carried thereby. The device or means used shall, in each case, be of a type approved by the Superintendent.

(h) *Planting.* No person shall plant or cause to be planted any tree, shrub or plant within a park area without first obtaining an official permit.

(i) *Adjacent trees.* Any tree, shrub or plant growing upon private property and which overhangs any park area in such a way as to present a hazard or impede, obstruct or interfere with traffic, travel or park use shall be trimmed, removed, braced, or otherwise treated by the owner of the premises on which such tree, shrub or plant is located, in a manner prescribed by the Superintendent. In an emergency, the Superintendent is empowered to enter such premises and to trim, remove, brace or otherwise treat any tree which is deemed hazardous to park travel or use, in such a manner that the hazard shall be eliminated.

§ 3.11 *Dogs and cats.* (a) The laws and regulations of the District of Columbia, Maryland and Virginia, relating to licenses and muzzles shall apply to dogs in the park areas located within the geographical limits of the respective jurisdictions.

(b) No dog or cat, unless caged or on a leash not more than six feet long and entirely under control, shall be taken into or exercised in park areas.

(c) No dog or cat shall be permitted by the person exercising or walking the animal to commit any nuisance on playgrounds, trees, shrubs, plants, lawns, sidewalks, footpaths, or in flower beds, buildings, or in any other park area, except in park roadways.

§ 3.12 *Horses.* (a) A horse shall not be left unbridled or unattended without being securely fastened, unless harnessed to a vehicle with wheels so secured as to prevent its being dragged faster than a walk.

(b) A driver shall continuously hold the reins in his hand while riding, driving or leading a horse.

(c) No more than two horses abreast shall be permitted on the bridle paths.

(d) Horses shall not be allowed to move over lawn areas other than those especially designated for horse exercise.

(e) Fast or reckless riding or driving is prohibited. Equestrians shall be careful to come down to a walk or slow trot before passing pedestrians.

CROSS REFERENCE: For regulations prohibiting the tying of horses or other animals to lamp posts or trees, see §§ 3.8 (a) and 3.10 (b) respectively.

§ 3.13 *Grazing; permitting animals to run loose.* Using park areas for grazing, allowing to graze, or permitting to run loose thereon any animal, is prohibited, unless authorized by an official permit.

Any owner or custodian of an animal or animals shall prevent such animal or animals from doing any of the acts enumerated in this section.

§ 3.14 Picnics—(a) Permits. Persons holding official permits for the use of established picnic groves shall be entitled to the exclusive use of such groves on the dates and between the hours specified in the permits. All persons not holding permits will be required to vacate the groves upon the arrival of permit holders.

(b) *Fires.* Fires shall be burned only in established fireplaces except when otherwise authorized by official permit.

(c) *Garbage.* Picnic groves shall be left in a clean condition by persons using the groves. Garbage and refuse of all kinds shall be placed in receptacles provided for the purpose.

§ 3.15 Athletics—(a) Permits for set games. Playing baseball, football, croquet, tennis, and other set games or sports except under official permit and upon the grounds provided for such purpose, is prohibited.

(b) *Wet grounds.* Persons holding official permits to engage in games and sports at certain times and at places authorized for this use are prohibited from exercising the privilege of play accorded by the permit if the grounds are wet or otherwise unsuitable for play without damage to the turf.

(c) *Golf and tennis; fees.* No person shall use golf and tennis facilities except by payment of the prescribed fee, if one is required, and in compliance with regulations approved by the Director. Use of public golf and tennis facilities is restricted to authorized players and persons accompanying them; trespassing, intimidating, harassing or otherwise interfering with authorized golf players, or interfering with the play of tennis players is prohibited.

(d) *Archery.* No bows and arrows shall be used in park areas except in places designated by order of the Superintendent.

(e) *Ice skating.* When ice is forming on the Tidal Basin, the Reflecting Pool, and other bodies of water within park areas, all persons shall abide by the directions of the Park Police as to when and where the ice shall be available for skating. When skating is allowed, all persons shall be under obligation to refrain from fast and reckless skating when such skating might endanger the life or limb of other persons.

§ 3.16 Model planes. No model powered plane shall be flown from any park area unless authorized by an official permit.

§ 3.17 Gambling. Participating in game for money or property, or the operation of gambling devices whether for merchandise or otherwise, is prohibited.

§ 3.18 Hunting and fishing—(a) Hunting in park areas prohibited. No person shall at any time or at any place within a park area, trap, catch, kill, injure, pursue or needlessly disturb, or attempt to trap, catch, kill, injure, or pursue birds, waterfowl, or wild animals, except upon proper authorization by the Superintendent.

(b) *Fishing in ornamental pools prohibited.* Fishing in fountain basins and ornamental pools is prohibited.

(c) *Fishing in park areas in Maryland and Virginia.* Persons fishing from boats or from the shore of areas under the jurisdiction of the National Park Service, lying within the geographical limits of Maryland or Virginia, must be licensed by and comply with the applicable State laws.

(d) *Fishing in Tidal Basin.* Fishing in the Tidal Basin may be permitted at the discretion of the Superintendent except from March 31 to May 30 each year when fishing is prohibited. All bass under 10 inches, all crappie under 6 inches, all bream under 4 inches in length shall be returned to the Basin. No person may in any one day catch and retain more than 5 bass, 5 crappie, 5 bream, and 12 winter shad.

(e) *Fishing from unposted banks of streams in park areas permitted.* Fishing will be permitted from the banks of the Potomac River, Anacostia River, Rock Creek, Georgetown Channel, Washington Channel, Chesapeake and Ohio Canal or other waters within park areas, except where such banks have been posted with official signs prohibiting fishing in the vicinity.

§ 3.19 Parades and other functions without permits prohibited; exceptions. Parades, ceremonies, entertainments, and functions of all kinds, are prohibited unless authorized by an official permit, except that public meetings and assemblies may be held and speeches and the expression of views publicly may be made without any permit in the following places, which shall be open and available for such purposes at all times to any person, group of persons, or organization:

(a) *Franklin Park.* On the north-south center walk between I Street and the center display fountain. (Approximately 100 feet north of the north curb line of I Street.)

(b) *Judiciary Park.* On the north-south axis of the park between E Street and the statue of Jose de San Martin.

(c) *Smithsonian Grounds.* In the northeast corner of the park and adjacent to Constitution Avenue and 9th Street, N. W.

(d) *United States Reservation 46.* North side of Pennsylvania Avenue, west of 8th Street and south of D Street, S. E.

§ 3.20 Areas available at all times subject to permit for public meetings; permit applications—(a) Available areas. Public meetings and assemblies may be held and speeches and the expression of views publicly may be made in the following places, which shall be open and available for such purposes at all times to any person, group of persons, or organization, subject to the condition that an official permit therefor be first obtained.

- (1) Anacostia Park west of 11th Street.
- (2) Polo Field.
- (3) Banneker Recreation Center, north side.
- (4) Monument Grounds, Sylvan Theater.
- (5) Water Gate.
- (6) Bunker Hill, Amphitheater.

(b) *Application for permits.* Any application for a permit authorizing the holding of a meeting or other function within the areas covered by this section shall set forth the names of proposed speakers and the nature of all proposed speeches. This information shall be submitted sufficiently in advance of the date of the proposed meeting or function to allow persons desiring to reply to such speeches sufficient opportunity to apply for equal facilities. All such applications shall be available to public inspection. Persons or organizations wishing to present views in opposition to those scheduled for presentation under pending application shall be entitled to preference in applying for permission to use the same facilities immediately following or immediately preceding the meeting or function for which the original application was made.

(c) *Permit may be refused if there is a prior application.* The Superintendent may refuse to grant a permit for the above-named places only if a prior application for use of the same place at the same time has been made and such prior application has been or will be granted. In applying for such permit the applicant shall comply with the provisions of paragraph (b) of this section and shall specify the time and place desired.

§ 3.21 Public meetings may be held subject to permit in any park area; exceptions. Public meetings and assemblies may be held and speeches and the expressions of views publicly may be made in any park area other than the areas described in §§ 3.19, 3.20 and 3.22 subject to the condition that an official permit therefor be first obtained. The Superintendent shall forthwith issue a permit for such a place unless a prior application for the same time and place has been made which has been or will be granted, or unless, in his judgment, the permit should be refused because of traffic conditions, or because the particular use to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public. In applying for such permit, the applicant shall comply with the provisions of § 3.20 (b) and shall specify the time and place desired.

§ 3.22 Areas in which parades and public gatherings are prohibited. Parades, public gatherings of any kind, and the making of speeches are prohibited in the following places because of traffic conditions, or because the particular purpose to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public:

- (a) Lafayette Park.
- (b) Sherman Square.
- (c) United States Reservation 617, Fifteenth Street and Pennsylvania Avenue, N. W.
- (d) Farragut Park.
- (e) Rawlings Park.
- (f) Mt. Vernon Park.
- (g) Stanton Park.
- (h) The paved area in the Mall near Second Street.
- (i) State Place.

(j) West and South Executive Avenues.

§ 3.22a *Policy governing the issuance of permits for public meetings.* (a) In passing upon requests for permits to speak or meet in such park areas, it is expected that the superintendent will adhere to established departmental policy to exclude absolutely from his consideration any agreement or disagreement with the political or economic views of the proposed speaker. Permits should not be granted, however, in the case of any assemblage which will bring clear and present danger of strife, riot or disorder or which will violate the criminal laws relating to sedition, lewdness or other matters prohibited by law.

(b) For political meetings, the National Capital Parks will furnish no services or facilities beyond those existing on the site, except that the sponsors of the meeting may provide additional services and facilities at their own expense, subject to approval by the superintendent. The same policy will apply with respect to entertainment programs and to patriotic and civic meetings for which an admission fee is charged or at which funds will be solicited or collected.

(c) In the case of civic and patriotic assemblages, and athletic and entertainment programs which are presented as a public service, where no admission is charged and no funds will be solicited or collected, the National Capital Parks office may, within the limits of appropriations, furnish necessary platforms, chairs, music stands, lighting and other equipment as are available and the services of operational employees. At such ceremonial gatherings or events of community interest as the annual Independence Day Celebration at the Monument Grounds, the President's Cup Regatta, and the Cherry Blossom Festival, the National Capital Parks may, despite the fact that charges are made by participating organizations for seats or admission, furnish services and such available equipment as will not in turn be rented to those who attend the affair.

§ 3.23 *Soliciting, advertising, sales—*

(a) *Soliciting.* (1) Soliciting of alms and contributions for private gain and of patronage by guides or other persons in park areas is prohibited.

(2) Commercial soliciting of any kind in park areas without an official permit is prohibited.

(b) *Advertising.* (1) The display or distribution of any form of commercial advertising is prohibited, except when authorized by official permit in connection with park activities.

(2) No photograph which may include a public monument or memorial shall be taken of any commercial vehicle or bus in a park area without an official permit.

(3) The photographing in park areas of models demonstrating wearing apparel or other commercial articles, for reproduction in commercial advertising, without an official permit, is prohibited.

(c) *Sales.* No sales shall be made nor admission fee charged, and no article shall be exposed for sale in a park area without an official permit.

§ 3.24 *Nuisances; disorderly conduct.* Committing a nuisance of any kind or engaging in disorderly conduct within park areas is prohibited. The following shall include, but shall not be construed to limit acts committed in park areas which constitute disorderly and unlawful conduct:

(a) *Wrestling.* Scuffling and wrestling in the vicinity of other persons.

(b) *Throwing of breakable articles.* Intentional throwing, dropping or causing to be thrown or dropped, any breakable article such as glass, pottery, or any sharp article which may cause injury to the person or property of others, upon a park road, path, walk or other park area.

(c) *Throwing of stones.* Throwing stones or other missiles.

(d) *Throwing or dropping objects from Washington Monument.* Throwing or dropping any object from the windows at the top of the Washington Monument, or from the staircase or landings of the Monument, unless authorized by the Superintendent.

(e) *Rubbish.* Throwing or leaving paper, fruit skins or other rubbish anywhere except in receptacles officially provided for the purpose, or placing refuse therein brought from private property in the vicinity.

(f) *Spitting.* Spitting upon walks or paths.

(g) *Fireworks.* Discharging or setting off fireworks, firearms or other explosives: *Provided,* That upon public holidays or on special occasions the Superintendent may permit, at his discretion, use of such grounds as he may deem best suited for the purpose of fireworks display and the firing of salutes.

(h) *Unauthorized bathing.* Bathing, swimming or wading in any fountain or pool except where officially authorized. Bathing, swimming or wading in the Tidal Basin, the Chesapeake and Ohio Canal, or Rock Creek, or entering from park areas the Potomac River, Anacostia River, Washington Channel or Georgetown Channel, except for the purpose of saving a drowning person.

(i) *Dangerous weapons.* Carrying or possessing, while in any park area, a gun, air gun, sling, dart, projectile thrower, knife with blade exceeding three inches, or other dangerous weapon: *Provided,* That nothing in this paragraph shall be so construed as to prevent the drill or activities of any organized military or semi-military body under an official permit.

§ 3.25 *Indecency, immorality, profanity—*

(a) *Indecent exposure.* Obscene or indecent exposure by any male or female of his or her person or their persons, in a street, road, park or other space or enclosure, or automobile, dwelling or other building within park areas wherefrom the same may be seen in any street, avenue, alley, road, or highway, open space, public square, or public or private building or enclosure is prohibited.

(b) *Urinating or defecating.* Urinating or defecating in any place other than the places officially provided therefor is prohibited.

(c) *Adultery and fornication.* Adultery and sexual intercourse with or be-

tween unmarried persons in park areas is prohibited.

(d) *Nuisances; soliciting for immoral purposes.* Addressing, soliciting or attempting to make the acquaintance of another person for immoral or indecent purposes is prohibited in park areas.

(e) *Profanity.* The use of profane and indecent language within hearing of another person or persons, is prohibited.

(f) *Other obscene and indecent acts.* The committing of any other obscene or indecent act is prohibited.

§ 3.26 *Loitering, camping, vagrancy—*(a) *Park benches.* Lying on park benches is prohibited.

(b) *Loitering with intent to remain more than four hours.* Sleeping, loitering or camping, with intent to remain for a period of more than four hours in any park area, is prohibited, except upon proper authorization of the Superintendent.

(c) *Vagrancy.* Habitually using any park area as a place of abode, sleeping therein, loafing therein by day and night by persons having no lawful employment and no lawful means of support realized from a lawful occupation or source and unable to establish the fact of residence elsewhere, is prohibited.

§ 3.27 *Use of liquors; intoxication—*

(a) *Drinking in park areas.* By statute drinking beer, wine or spirituous liquors within park areas in the District of Columbia (25 D. C. Code 128) and Virginia (Va. Code, sec. 4675(52)), is prohibited, except at places licensed for the sale and serving of such alcoholic drinks.

(b) *Intoxication.* Entering or remaining in park areas in a visibly intoxicated condition is prohibited.

(c) *Driving motor vehicle while intoxicated.* No person who is under the influence of intoxicating liquor or narcotic drugs shall operate or drive a motor vehicle of any kind in any park area.

§ 3.28 *Laws and regulations applicable to traffic control; enforcement—*(a) *District of Columbia, Maryland and Virginia laws and regulations.* The laws and regulations relating to traffic control promulgated for the District of Columbia and the laws of Maryland and Virginia respectively, as adopted by section 289 of the Criminal Code, 18 United States Code 468, shall constitute the traffic and motor vehicle regulations in all park areas within their respective geographical limits unless otherwise provided for by act of Congress or the regulations contained in this part.

(b) *Enforcement of traffic regulations.* All traffic regulations applicable in park areas shall be observed by the operators of vehicles, equestrians, and by pedestrians, who shall also comply with official traffic signs and signals, and traffic direction by voice, hand or whistle, from any member of the United States Park Police, Metropolitan Police or special policemen, properly equipped with police badge on duty in a park area. These directions may include signals for slowing down, stopping, backing, approaching or departing from any place, the manner of taking up or setting down passengers, and the loading or unloading of any material.

(c) *Special regulations governing parades and other ceremonies.* On the days of parades, ceremonies, celebrations and entertainments, special regulations as to parking vehicles and the positions and movements of spectators shall be promulgated by the Superintendent. All persons within the area of such special regulations shall obey the lawful orders of the park police or other authorized persons engaged in maintaining order and comply therewith.

§ 3.29 *Obstructing entrances, exits, sidewalks.* (a) Assembling, loitering and congregating singly or in groups, in or about the entrances and exits to the various park areas or within park areas in such a way as to hinder or obstruct the sidewalks, roads, or bridlepaths, is prohibited.

(b) Congregating or loitering in or about any comfort station or other public structure in any park areas in such a manner as to obstruct the proper use thereof, or to the annoyance of the people using or visiting such structures, is prohibited.

(c) Occupying, parking, stopping or leaving a bicycle, coaster wagon, perambulator, or other similar vehicle, on any sidewalk, bridge, road, footpath, or bridlepath, in such position as to hinder or obstruct the proper use of same is prohibited.

§ 3.30 *Speed restrictions—(a) District of Columbia.* No specific speed limits shall apply to the highways in park areas in the District of Columbia, unless a speed limit is prescribed for a particular road, or section of roadway, by the posting of official signs.

(b) *Maryland and Virginia.* The speed limits prescribed by the states of Maryland and Virginia shall constitute the speed restrictions on highways in park areas within their respective geographical limits, unless a lesser speed limit is prescribed for a particular road, or section of road, by the posting of official signs.

§ 3.31 *Reckless driving; prohibited operations.* Persons operating motor vehicles within park areas shall drive in a safe manner. The following are prohibited:

(a) Driving carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

(b) Failing to keep any vehicle under proper control.

(c) Operating any vehicle in such a manner as to cause same to collide with another vehicle, person, fixed or moving object.

(d) Driving on wrong side of street or road.

(e) Following another vehicle too closely to permit clear vision of road ahead or sufficient distance in which to stop within the assured clear distance ahead.

(f) Operating a motor vehicle in grossly unsafe mechanical condition.

(g) Operating a closed passenger-carrying vehicle with side shades or cur-

tains drawn more than half way, except when going to or returning from a funeral or when necessary as protection from the elements.

(h) Operating a motor vehicle when the rear windows are cracked, scarred, clouded or otherwise obscured or defective so as substantially to obstruct vision.

(i) Operating a motor vehicle when either or both identification tags thereon are obscured by snow, mud or other matter.

(j) Changing from one lane of traffic to another without proper and timely signal and due regard to the traffic on the roadway. Every person operating a motor vehicle shall stay within one lane of traffic as much as possible, that lane to be the one nearest the right edge of the road; and he shall determine in advance, before changing from the lane in which he is driving, that the condition of traffic is such as to make it safe to change. He shall furthermore have the duty of giving a timely signal before changing from one lane to the other.

(k) Making or executing a left turn with any motor vehicle from any one-way road in a park area from any lane other than that nearest the left curb or edge of the roadway.

(l) Operating or driving or stopping a motor vehicle on any footpath, bridlepath, towpath, walk, sidewalk, footbridge, horsebridge or lawn area within a park area.

CROSS REFERENCE: For driving vehicle while intoxicated, see § 3.27 (c).

§ 3.32 *Parking restrictions; impounding of vehicles—(a) General provisions—*

(1) *Undesignated spaces.* Driving over or parking on an area other than a road, street or a designated parking space, whether such is grassed or not, is prohibited.

(2) *Official signs.* Stopping, standing or parking in any park area contrary to the direction of official signs, is prohibited.

(3) *Night parking.* Parking of vehicles between dark and daylight in park areas where no lighting equipment is installed is prohibited.

(4) *Screened windows.* Stopping or parking motor vehicles upon any park road, by day or by night, with windows screened or curtains drawn so as to obscure or conceal the interior of the vehicle, is prohibited.

(5) *Constitution Avenue and Nineteenth Street.* Between the hours of 4 p. m. and 6 p. m. on any day, except Sundays and legal holidays, no driver of a vehicle shall stop, stand or park to take on or discharge a passenger or passengers, on the south side of Constitution Avenue, Northwest, between the east curb line of Nineteenth Street and a point 100 feet in an easterly direction.

(6) *Parades.* Parking on park roads through which a parade will pass two hours prior to the moving of such parade is prohibited. The placing of an official sign by the park police on a park road or in a parking zone by 7:00 a. m. on the day a parade is to take place, informing the public of the time to vacate the park road or parking zone, shall be sufficient notice; and if the owner or person in charge of any vehicle shall fail

and neglect to remove such vehicle before or by the time specified on the sign, he shall be subject to prosecution.

(7) *Gutters.* Driving or parking in gutters where no curb exist, is prohibited.

(8) *Trees and shrubs.* Parking which involves contact with any tree, shrub, or plant, or with its exposed roots, is prohibited.

(b) *Parking on public ground within District of Columbia; penalty.* No vehicle of any kind shall be parked, stored, or left, whether attended or not, on any park area in the District of Columbia, other than public highways and designated public parking spaces, except when authorized by official permit. Any person violating the provisions of this paragraph, shall, upon conviction thereof, be punished by a fine of not more than \$25. (Sec. 2, 56 Stat. 6)

(c) *Impounding of illegally parked vehicles.* Any unattended vehicle parked in violation of any traffic law or regulation, except overtime parking, may, in the discretion of the park police, be removed and impounded until the owner thereof, or other duly authorized person, shall deposit collateral for his appearance in court.

CROSS REFERENCES: For place of trial, see § 3.6.

§ 3.33 *Traffic signs.* Drivers of all vehicles shall comply with the directions of all official traffic signs posted in park areas.

§ 3.34 *Washing of cars prohibited.* Washing, cleaning, lubricating, repairing or performing any mechanical work upon vehicles within park areas is prohibited, except in case of emergency.

§ 3.35 *Commercial vehicles and common carriers—(a) Operation in park areas prohibited; exceptions.* Commercial vehicles and common carriers, loaded or unloaded, are prohibited on park roads and bridges except on roads designated by order of the Superintendent, or when authorized by official permit in an emergency, or when operated in compliance with paragraphs (b), (c) or (d) of this section.

(b) *George Washington Memorial Parkway; passenger-carrying vehicles; permits; fees.* (1) Excepting taxicabs licensed in the District of Columbia, Maryland, or Virginia, all persons operating passenger-carrying vehicles for hire or compensation upon any portion of the George Washington Memorial Parkway between the south end of Key Bridge and Mount Vernon, must procure a permit, issued on an annual basis, effective from April 1 until the following March 31, at the rate of \$3 for each passenger-carrying seat in every vehicle so operated.

(2) A quarterly permit may be procured for a fee of 75 cents for each passenger-carrying seat in such vehicle. A quarterly permit may be effective for quarterly increments.

(3) Permits for operation of any such vehicle on the parkway for a single day may be procured at the rate of \$1 per vehicle per day.

(c) *Commercial trucks.* The use of any park road by commercial trucks

when such trucking is in no way connected with the operation of the park system is prohibited, except that in special cases trucking permits may be issued at the discretion of the Superintendent for which a special fee of from \$1 to \$10 based on the size of the truck and the distance traveled on park roads, will be charged.

(d) *Taxicabs*—(1) *Operations around memorials*. Parking, except in officially designated taxicab stands, or cruising on the access roads to the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, and the circular roads around the same, of any taxicab or hack without passengers is prohibited. However, this section shall not be construed to prohibit the operation of empty cabs responding to definite calls for hack service by passengers waiting at such Memorials, or of empty cabs which have just discharged passengers at the entrances of the Memorials, when such operation is incidental to the empty cabs leaving the area by the shortest route.

(2) *Stands*. Taxicab stands to serve the public convenience may be established by order of the Superintendent in suitable and convenient places.

§ 3.36 *Vehicles; weight and tread restrictions*—(a) *Maximum weight*. No vehicle, the weight of which including load, exceeds the officially posted weight limit appearing at or on the bridge, shall cross any bridge unless authorized by an official permit.

(b) *Permissible solid tires*. (1) No vehicle equipped with solid rubber tires shall be driven or moved over any park road unless the entire traction surface of the tire is at least 1 inch thick above the edge of the flange for the entire periphery of the tire.

(2) No vehicle equipped with steel tires, loaded or unloaded, shall be driven or moved over any park road if the total gross weight is in excess of 6,000 pounds.

(c) *Prohibited treads*. There shall not be operated or moved upon any park road, except by hauling on an approved type of conveyance, any vehicle of any kind the face of the wheels, or tracks of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes or any device which may tend to injure the roadway. This part applies to all rings or flanges upon guiding or steering wheels on any such vehicle but it shall not be construed as preventing the use of ordinary detachable tire or skid chains.

§ 3.37 *Tampering with vehicles prohibited*. Tampering with or attempting to enter or start any motor vehicle parked in a park area, without authority from the owner of such vehicle, is prohibited.

§ 3.38 *Prevention of smoke*. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

§ 3.39 *Bicycling, roller skating, and coasting restrictions*—(a) *Bicycling*. Bicycle riding, except upon the roads or other areas designated by order of the Superintendent to be used for that pur-

pose, is prohibited. Walking, driving, or riding bicycles or motorcycles on bridle paths, is prohibited.

(b) *Roller skating*. Roller skating, except upon areas designated by order of the Superintendent to be used for that purpose, is prohibited.

(c) *Coasting*. The operation of sleds, sleighs, scooters, coaster wagons, or similar vehicles by children or adults on any road, walk, bridle path, bridge, or lawn area, other than those places designated by order of the Superintendent to be used for such purposes, is prohibited.

CROSS REFERENCE: For regulations with respect to parking, stopping or leaving of any vehicle, such as a bicycle or coaster wagon, on any sidewalk or other public thoroughfare, see § 3.29 (c).

§ 3.40 *Boating*. No privately owned boat, canoe, raft, or other floating craft shall be placed or operated upon the waters of any park area without an official permit. Such permit will be revoked upon the failure of the permittee to comply with the terms and conditions of the permit and the permittee will be required to immediately remove his craft from the park area.

§ 3.41 *Collection of scientific specimens*. Collection of natural objects for scientific or educational purposes shall be permitted only in accordance with an official permit. No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or educational institutions in procuring specimens for research, group study, or museum display. Permits will be issued only on condition that the specimens taken will become part of a permanent public museum or herbarium collection, or will in some suitable way be made permanently available to the public. No permits may be granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance. Permits to secure rare natural objects will be granted by the Director only upon proof of special need for scientific use and of the fact that such objects cannot be secured elsewhere.

§ 3.42 *Lost and found articles*. Lost articles which are found in park areas should be turned in immediately to an official representative of the National Park Service on duty in the park area or to the United States Park Police. Proper records shall be kept at Park Police Headquarters of the receipt and disposition of articles turned in. If the article or money turned in is not claimed by the owner within a period of 90 days, it shall be returned to the finder and appropriate receipt obtained.

§ 3.43 *Photographing; restrictions*—(a) *Frivolous and undignified posing*. Photographing of persons posing in a frivolous or undignified manner within, upon, or by, any National Memorial, is prohibited.

(b) *Use of tripod or other devices*. The use of a tripod or other device for the support of the camera or other in-

strument on the floors or steps of any memorial, or other park structure, is prohibited, unless the tripod or device is equipped in such a manner as will prevent scratching or other damage.

(c) *Motion or sound pictures*. Before any motion or sound pictures may be filmed in any park area except by amateurs and bona fide newsreel photographers, authority must first be obtained in writing from the Superintendent, which authority will be granted in the discretion of the Superintendent in accordance with the provisions of 43 CFR, Part 5.

CROSS REFERENCE: For use of pictures taken in park areas for commercial advertising, see § 3.23 (b) (2) and (3).

§ 3.44 *Fees; admission, service, utility*—(a) *Admission fees*. An admission fee shall be charged each person entering the following places, except children 16 years of age or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

Lee Mansion in Arlington National Cemetery.....	\$0.10
Lincoln Museum.....	.10
House where Lincoln Died.....	.10

(b) *Elevator service fees*. A fee of ten cents shall be charged each person using the elevator in the Washington Monument, except children 16 years of age or under, or groups of school children 18 years of age or under, when accompanied by adults assuming responsibility for their safety and orderly conduct.

(c) *Installation and annual fees: public utilities*. No public utility may be installed in any park area without an official permit. Installation and annual charges shall be required for the permitted use of park areas except:

(1) No installation or annual charge shall be made when public facilities are installed and maintained by or primarily for the benefit of the Federal Government, the government of the District of Columbia, and operators of park properties.

(2) (i) No installation or annual fee shall be charged when conduits are installed and space provided therein, without cost, for the use of the Federal Government, or the government of the District of Columbia.

INSTALLATION CHARGES

Conduits:	Per ft.
1 and 2-way.....	\$1.00
4 to 6-way.....	.25
8 to 12-way.....	1.50
Each	
Manholes.....	\$25.00
Cable underground:	Per ft.
No conduit.....	\$1.00
Overhead wires:	Per ft.
Wires.....	\$0.50
Each	
Poles.....	\$50.00
Anchor.....	50.00
Transformers.....	50.00
Gas mains:	Per ft.
4 to 10-inch pipe.....	\$1.50
12 to 16-inch pipe.....	2.00

ANNUAL FEE FOR CONTINUED USE OF AREA

Amount of original installation fee:	Annual fee
Minimum installation fee.....	\$2.00
\$200 installation fee.....	2.00
\$300 installation fee.....	3.00
\$400 installation fee.....	4.00
\$500 installation fee.....	5.00
\$500-\$1,000 installation fee.....	7.50
\$1,001-\$2,000 installation fee.....	15.00
\$2,001-\$3,000 installation fee.....	25.00
\$3,001-\$4,000 installation fee.....	35.00
\$4,001-\$5,000 installation fee.....	45.00
\$5,001 and over installation fee.....	50.00

(ii) The amount of annual fees where no installation fee has been charged will be determined on the basis of the amount the installation fee would have been had such a fee been required at the time the installation was made. Payments of annual fees shall become effective on the 1st day of the month following the determination of the charge, and thereafter payments shall be made annually in advance as of January 1 of each year.

CROSS REFERENCE: For fee charges for the operation of commercial vehicles upon the George Washington Memorial Parkway, see § 3.35 (b).

§ 3.101 Schedule of minimum collateral (General Order No. 68). (a) Here-

after persons arrested and taken to the Metropolitan Police Precincts for violation of certain regulations promulgated for the protection of the Park System of the District of Columbia, as set forth on the Schedule of Minimum Collateral attached hereto, will be handled as follows:

(1) The determination of whether the individual arrested should be permitted to deposit collateral or whether the collateral to be deposited should be required in an amount greater than the minimum provided in the Schedule of Minimum Collateral, will rest with the determination of the arresting officer. In no event may the arresting officer recommend a lesser amount of collateral than the minimum as set forth on the attached schedule.

(2) Experience since 1938 has clearly demonstrated that permitting the forfeiture of collateral for minor offenses has eliminated the necessity for the police force to appear in court, if the person arrested elects to forfeit. As in the past, forfeiture of collateral for violation of National Capital Parks Regulations will be handled in a manner similar to forfeiture of collateral for violation of certain Metropolitan Police regulations.

(3) Whenever a U. S. Park Policeman makes an arrest for an offense covered by the attached schedule, he will follow up the case and notify this office of the disposition of the case as promptly as possible.

(b) An order has been issued by the Honorable George P. Barse, Chief Judge of the Municipal Court for the District of Columbia, as of December 6, 1947, adopting the schedule of minimum collaterals attached to this section as the official collateral list until further order of the Court.

(c) General Order No. 24, dated April 28, 1938, is hereby revoked as of the effective date of this section.

(d) This section shall become effective as of January 2, 1948, and shall, together with the attached Schedule of Minimum Collateral, be published in the FEDERAL REGISTER. (30 Stat. 570, as amended; 40 U. S. C. 79)

SCHEDULE OF MINIMUM COLLATERAL

A schedule of minimum collateral to be accepted for violations of certain regulations promulgated for the protection of the park system of the District of Columbia, in accordance with the provisions of the act of Congress, approved July 1, 1898 (30 Stat. 570) as amended:

Violations	N. C. P. Regulation—	Collateral	Violations	N. C. P. Regulation—	Collateral
Animals, domestic or wild:			Fishing:		
Unlicensed or unmuzzled dogs.....	3.11 (a).....	\$5.00	Fishing in fountain basins and ornamental pools.....	3.15 (b).....	\$2.00
Unleashed dogs or cats.....	3.11 (b).....	2.00	Fishing from the banks of the Potomac River, Anacostia River, Rock Creek, Washington Channel, Chesapeake and Ohio Canal or other waters within park areas where such banks have been posted with official signs prohibiting fishing.....	3.15 (c).....	2.00
Permitting dogs or cats to commit a nuisance on playgrounds, trees, shrubs, plants, lawns, sidewalks, footpaths, or in flower beds, buildings, or in any other park area, except in park roadways.....	3.11 (c).....	2.00	Unlicensed fishing where license is required by state laws.....	3.15 (c).....	2.00
Horses: Leaving unbridled and unattended.....	3.12 (a).....	2.00	Fishing in the Tidal Basin between Mar. 31 and May 30.....	3.15 (d).....	2.00
Horses: Riding, driving, or leading without reins in hand.....	3.12 (b).....	2.00	Gambling:		
Horses: Riding of more than two abreast.....	3.12 (c).....	2.00	Participating in games for money or property, or the operating of gambling devices for merchandise or otherwise.....	3.17.....	5.00
Horses: Allowing to move over lawn areas.....	3.12 (d).....	2.00	Indecency, immorality, profanity:		
Horses: Fast or reckless riding or driving and failure to bring to a walk or slow trot before passing pedestrians.....	3.12 (e).....	2.00	Committing obscene or indecent acts.....	3.25 (a and f).....	*25.00
Hitch, tie, or fasten any horse or animal to any public lamp post or appurtenance thereof.....	3.8 (a).....	2.00	Urinating or defecating in any place other than the places officially provided therefor.....	3.25 (b).....	5.00
Hitch, tie, or fasten any horse or animal to, or within reach of, any tree, shrub, plant, tree box or tree guard.....	3.10 (b).....	2.00	Committing adultery or fornication in park areas.....	3.25 (c).....	25.00
Grating or permitting the running loose of animals except with official permission.....	3.13.....	5.00	Addressing, soliciting or attempting to make the acquaintance of another person for immoral or indecent purposes.....	3.25 (d).....	*25.00
Hunting, trapping, catching, killing, pursuing, or needlessly disturb any birds, waterfowl or wild animal except upon proper authorization.....	3.18 (a).....	5.00	Using profane or indecent language.....	3.25 (e).....	5.00
Athletics:			Lamps and lampposts:		
Playing of baseball, football, tennis, golf, or other set games, except upon grounds provided under official permit.....	3.15 (a).....	2.00	Breaking any lantern, glass, frame, street designation or fixture on public lamp.....	3.8 (a).....	5.00
Playing on grounds wet or otherwise unsuitable for play without damage to turf.....	3.15 (b).....	2.00	Remove, extinguish or obstruct the light in any public lamp.....	3.8 (b).....	5.00
Unauthorized use of golf or tennis facilities where fee has been prescribed.....	3.15 (c).....	2.00	Climbing upon, damaging, attaching guy line or sign, defacing or piling material against a public lamppost.....	3.8 (c).....	5.00
Archery: Use of bows and arrows except in park areas designated by order of the Superintendent.....	3.15 (d).....	2.00	Liquors, use of:		
Ice skating: Fast and reckless skating, failing to abide by directions of the Park Police.....	3.15 (e).....	2.00	Drinking beer, wine or spirituous liquors except at places licensed for the sale thereof.....	3.27 (a).....	5.00
Bicycles:			Meetings and demonstrations:		
Riding except upon the roads or designated areas.....	3.39 (a).....	2.00	Holding of parades or public gatherings without permission except in designated park areas.....	3.19 (a).....	10.00
Boating:			Holding public meetings and assemblies in available park areas, without permission.....	3.20 (a).....	10.00
Permitting privately owned boat, canoe, raft, or floating craft to be operated upon waters in park area without official permission.....	3.40.....	2.00	Holding parades, public gatherings of any kind, and the making of speeches in restricted park areas.....	3.22.....	15.00
Camping:			Nuisances:		
Camping, loitering, or sleeping with intent to remain more than 4 hours except upon proper authorization of the Superintendent.....	3.26 (b).....	5.00	Committing a nuisance of any kind or engaging in disorderly conduct in park areas prohibited.....	3.24.....	5.00
Lying upon park benches.....	3.26 (a).....	2.00	Scuffling and wrestling in the vicinity of other persons.....	3.24 (a).....	5.00
Comfort stations (revised Aug. 19, 1946):			Intentional throwing or dropping of breakable articles.....	3.24 (b).....	5.00
Loiter in.....	3.9 (a).....	5.00	Throwing stones or other missiles.....	3.24 (c).....	5.00
Improper use of.....	3.9 (b).....	5.00	Throwing or dropping any object from windows at the top of Washington Monument or from staircase landings.....	3.24 (d).....	5.00
Interfere with attendant.....	3.9 (c).....	5.00	Throwing or leaving paper, fruit skins, or other rubbish except in receptacles officially provided for same.....	3.24 (e).....	2.00
Destruction of property therein.....	3.9 (d).....	10.00	Placing refuse from private property in officially provided receptacle for park refuse.....	3.24 (e).....	5.00
Commercial activities:			Spitting upon sidewalks or paths.....	3.24 (f).....	2.00
Soliciting of alms and contributions for private gain.....	3.23 (a).....	5.00	Discharging fireworks, firearms or other explosives without official permission.....	3.24 (g).....	5.00
Soliciting of patronage by guides or other persons.....	3.23 (a).....	5.00	Bathing, swimming or wading in any fountain or pool except where officially authorized.....	3.24 (h).....	2.00
Display or distribution of any form of commercial advertising without permission.....	3.23 (b-1).....	2.00	Carrying or possessing, while in any park area, a gun, air gun, sling, dart, projectile thrower, knife with blade exceeding 3 inches, or other dangerous weapon.....	3.24 (i).....	5.00
Photographing a public monument or memorial that includes any commercial vehicle or bus, without permission.....	3.23 (b-2).....	2.00			
Photographing models demonstrating wearing apparel or other commercial articles, without permission.....	3.23 (b-3).....	2.00			
Selling, exposing article for sale, or charging admission fee, without permission.....	3.23 (b-3).....	2.00			

Violations	N. C. P. Regulation—	Collateral	Violations	N. C. P. Regulation—	Collateral
Obstructing entrances, exits, sidewalks: Occupying roads, highways, bridges, walks, footpaths, or bridge paths in such a manner as to hinder or obstruct their proper use.	3.29 (a-c).....	\$5.00	Traffic and motor vehicles—Continued		
Photographing other than commercial; restrictions: Photographing of persons posing in a frivolous or undignified manner within, upon, or by, any National Memorial.	3.43 (a).....	5.00	Driving over or parking on park area other than road, street, or designated parking space, whether such is grassed or not.	3.32 (a-1).....	\$2.00
Using tripod or other device for the support of camera or other instrument on the floors or steps of any memorial unless equipped to prevent scratching or other damage.	3.43 (b).....	5.00	Left turn from one-way road, from any lane other than lane nearest left curb or edge of roadway.	3.31 (k).....	5.00
Making motion or sound pictures without permission, excepting amateurs and bona fide newsreel photographers.	3.43 (c).....	5.00	Operation of passenger-carrying vehicles with curtains drawn more than halfway down, except for funerals or protection from the elements.	3.30 (g).....	2.00
Picnics: Preventing holders of official permits from occupying groves on dates and between hours specified.	3.14 (a).....	2.00	Operating a motor vehicle when either or both identification tags thereon are obscured by snow, mud or other matter.	3.31 (i).....	5.00
Building fires in areas other than established fireplaces, without permission.	3.14 (b).....	2.00	Operating commercial vehicles in park area without official permit.	3.35 (a-c).....	5.00
Leaving garbage and refuse in park areas other than receptacles provided for same.	3.14 (c).....	2.00	Operating vehicle without adjustment to prevent excessive fumes or smoke.	3.38.....	5.00
Public property: Climbing upon or injuring any monument or structure.	3.7 (a).....	*5.00	Cruising taxicabs in restricted areas.	3.35 (d).....	5.00
Interfering with water system.	3.7 (b).....	*5.00	Parking at night in unlighted park areas.	3.32 (a-3).....	2.00
Removing of lifebuoys except for the purpose of aiding persons in the water.	3.7 (c).....	*2.00	Parking with windows screened or curtains drawn, in park areas.	3.32 (a-4).....	2.00
Injury to lawns, short cuts.	3.7 (d-e).....	2.00	Parking which involves contact with any tree, shrub, plant, or with its exposed roots.	3.32 (a-8).....	2.00
Removing, tampering with or damaging any official or public sign.	3.7 (f).....	*2.00	Unauthorized parking in park area.	3.32 (b).....	2.00
Dumping without authority.	3.7 (g).....	5.00	Tampering with or attempting to enter or start any motor vehicle without authority from the owner.	3.37.....	*25.00
Storing material without authority.	3.7 (h).....	10.00	Operating vehicles without permission across bridges when the weight, which includes load, is in excess of officially posted weight limit sign.	3.36 (a).....	10.00
Enclose any park area or erect any fence, wall, or build any road, trail, bridge or other structure, without authority.	3.7 (i).....	10.00	NOTE: Traffic violators charged with violations of the traffic regulations promulgated for the District of Columbia, and applicable to all park area within the confines of the District of Columbia, will be required to post collateral in accordance with the official list of minimum collateral requirements for such violations.		
Pour or cause to spill on park area, any gas, salt, acid or other deleterious substance, without authority.	3.7 (j).....	*10.00	Trees, shrubs, plants: Removing or injuring, trees, shrubs, plants, grass and other vegetation.	3.10 (a).....	*5.00
Remove or damaging Government property.	3.7 (k).....	*5.00	Hitch, tie, fasten, nail, anchor, screw, or otherwise attach any wire, cable, chain, rope, card, sign, poster advertisement, notice, handbill, board or other article to any tree, shrub, or plant, without permission.	3.10 (c).....	2.00
Roller skating and coasting: Roller skating except in designated areas.	3.39 (b).....	2.00	Vagrancy: Sleeping, loafing, in park areas by day and night by persons having no lawful employment and no lawful means of support realized from a lawful occupation and unable to establish residence.	3.26 (c).....	10.00
Operating sleds, sleighs, scooters, coaster wagons or similar vehicles except in designated areas.	3.39 (c).....	2.00			
Scientific specimens, collection of: Collecting of natural objects without permission.	3.41.....	3.00			
Traffic and motor vehicles: Cleaning or repairing except in cases of emergency.	3.34.....	2.00			
Driving or parking in gutters where no curb exists.	3.32 (a-7).....	2.00			
Driving or parking on any footpath, bridlepath, towpath, walk, sidewalk, footbridge, horsebridge or lawn area.	3.31 (l).....	2.00			

NOTE 1: Where the specified cash collateral is \$25 or more, the amount of bond in lieu of said cash collateral shall be \$100.

NOTE 2: Attention is directed to the fact that the foregoing amounts represent only "minimum" collateral. This amount may be increased depending on the seriousness of the violation, this is particularly true in cases of violations preceded by the (*) asterisk.

PART 6—RECREATIONAL DEMONSTRATION AREA REGULATIONS

Sec.

- 6.1 Definitions.
- 6.2 Preservation of public property and natural features.
- 6.3 Camping.
- 6.4 Fishing.
- 6.5 Bathing.
- 6.6 Picnicking.
- 6.7 Protection of wildlife.
- 6.8 Firearms, etc.
- 6.9 Fires.
- 6.10 Restricted areas.
- 6.11 Sanitation.
- 6.12 Gambling.
- 6.13 Disorderly conduct.
- 6.14 Radios.
- 6.15 Motion or sound pictures.
- 6.16 Abandonment of property.
- 6.17 Dogs and cats.
- 6.18 Travel on roads and trails.
- 6.19 Vehicles; traffic.
- 6.20 Limitations on speed.
- 6.21 Advertisements.
- 6.22 Private operations.
- 6.23 Motorboats.
- 6.24 Grazing.
- 6.25 Special regulations.

AUTHORITY: §§ 6.1 to 6.25 issued under 39 Stat. 535, as amended, 48 Stat. 206; 16 U. S. C. 3, 40 U. S. C. 409, and E. O. 7496, Nov. 14, 1936; 1 F. R. 1946.

§ 6.1 Definitions. As used in this part, unless otherwise indicated:

(a) The term "Secretary" means the Secretary of the Interior or his duly authorized representative.

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(b) The term "Director" means the Director of the National Park Service.

(c) The term "superintendent" means the person in charge of a recreational demonstration area.

(d) The term "area" means a recreational demonstration area.

(e) The term "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway.

§ 6.2 Preservation of public property and natural features. (a) The destruction, injury, defacement, removal, or disturbance in any way of any public building, sign, equipment, marker, or other structure, or of any tree, flower, vegetation, rock, mineral formation, or of any ruins or relic, or of any other public property of any kind, is prohibited.

(b) Collections for scientific or educational purposes are permitted only in accordance with written permits first had and obtained from the superintendent.

§ 6.3 Camping. (a) No camping is permitted outside the specially designated camp sites except by special permit from the superintendent.

(b) Campers shall occupy the sites designated by the superintendent.

(c) No camp shall be placed within 25 feet of any main road or well-defined water course.

(d) The superintendent may establish limitations on the time allowed for camping in any public camping area, and upon the posting of such limitation no person, party, or organization shall be permitted to camp longer than the period prescribed for the particular area during any calendar year.

(e) Campers shall keep their campgrounds clean. Combustible rubbish shall be burned on camp fires, and all other garbage and refuse of all kinds shall be placed in receptacles provided for the purpose. At new or unfrequented camps garbage shall be burned or buried.

(f) Only in areas designated by the superintendent may campers use any dead or fallen timber for fuel or other purposes.

(g) The installation of permanent camping facilities by visitors, or the digging or leveling of the ground in any campsite without the superintendent's permission, is prohibited. Camps must be completely razed and the sites cleaned before the departure of campers.

(h) Campers shall not leave their camps unattended for more than 48 hours without permission of the superintendent obtained in advance. Camping equipment left unattended for 48 hours or more is subject to removal by order of the superintendent, the expense of such removal to be paid by the person or persons leaving such equipment.

(i) No camp may be established in an area and used as a base for hunting outside such area.

(j) The superintendent may establish hours during which quiet must be maintained at any camp, and prohibit the running of motors at or near a camp during such hours.

§ 6.4 *Fishing.* (a) Any person desiring to fish must first procure a sporting fishing license as required by the laws of the state in which the area is situated. All fishing must be done in conformity with the laws of the state regarding open seasons, size of fish, and the limit of catch, unless otherwise provided by special regulations.

(b) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hand, is prohibited.

§ 6.5 *Bathing.* Bathing in any of the streams or lakes is permitted only at designated bathing places.

§ 6.6 *Picnicking.* Picnicking is permitted only in areas designated for such use.

§ 6.7 *Protection of wildlife.* (a) The areas are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, disturbing, or capturing of any bird, animal or other wildlife, except when it is necessary to prevent them from destroying human lives or inflicting personal injury, or the destruction, removal, or disturbance of the nest or eggs of any bird, is prohibited unless first authorized by the Director.

(b) During the hunting season, arrangements must be made with the superintendent to identify and transport through the areas, when necessary, carcasses of birds or animals legally killed outside the areas. Failure to make such arrangements shall be deemed a violation of this section.

§ 6.8 *Firearms, etc.* (a) Firearms, explosives, airguns, traps, seines, and nets are prohibited within the areas except upon written permission of the superintendent. Visitors shall surrender all such objects in their possession to the superintendent, or obtain his written permission to carry them through the area sealed. Failure to obtain such written permission shall be deemed a violation of this regulation.

(b) The superintendent may, in his discretion, permit the carrying of firearms by employees under his administrative jurisdiction when such possession is deemed necessary in the performance of their official duties.

(c) Authorized law enforcement officers may carry unsealed firearms while engaged in the enforcement of federal or state laws and regulations, or when otherwise necessary in the performance of their duties.

(d) The members of the armed forces of the United States shall be permitted to carry unsealed firearms; and, in the discretion of the superintendent, members of the armed forces of the several states or friendly foreign nations may be permitted to carry unsealed firearms.

The provisions of this paragraph shall be applicable only during time of war in which the United States is engaged.

§ 6.9 *Fires.* (a) Fires shall be lighted only in designated places. On public campgrounds only the regular fireplaces constructed for the convenience of visitors may be used.

(b) No lighted cigarette, cigar, pipe, match, or other burning material shall be thrown from any vehicle or saddle animal or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material.

(c) Fires shall be lighted only when necessary and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

(d) Smoking or the building of fires may be prohibited or limited by the superintendent when, in his judgment, the hazard makes such action necessary.

(e) All persons making trips away from established camps are required to obtain written fire permits from the superintendent or his representative. When a written fire permit has been granted, such fires shall not be kindled near trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or mineral soil. Should camp be made in a locality where no such open space exists, the dead wood, dry leaves, etc., shall be scraped away to the rock or mineral soil over an area considerably larger than that required for the fire.

(f) The use of fireworks or firecrackers is prohibited, except with the written permission of the superintendent.

§ 6.10 *Restricted areas.* Visitors shall not enter restricted areas posted as being closed to the public, except upon written permission from the superintendent.

§ 6.11 *Sanitation.* (a) Campers and others shall not wash clothing or cooking or eating utensils in, or otherwise pollute or contaminate the waters of the areas.

(b) The cleaning of fish or the washing of clothing or cooking or eating utensils at campground hydrants is prohibited.

(c) Garbage, papers, or refuse of any kind shall not be thrown or left on or along roads, in camping or picnicking areas, or on any other area lands.

(d) All comfort stations shall be used in a clean and sanitary manner.

(e) The draining or dumping of refuse from any trailer, except in places or receptacles provided for such purpose, is prohibited.

§ 6.12 *Gambling.* Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited.

§ 6.13 *Disorderly conduct.* Persons who render themselves obnoxious by disorderly conduct or bad behavior shall be subject to the penalty provided for violation of the regulations in this part, and in addition thereto, or in lieu thereof, may be summarily removed from the area by the superintendent.

§ 6.14 *Radios.* The use of radios in public camps, buildings, or in vehicles is prohibited when audible beyond the immediate vicinity of the radio set. Radios shall not be operated to the annoyance of other persons nor so as to disturb the quiet of camps or other public places.

§ 6.15 *Motion or sound pictures.* Before any motion or sound picture may be filmed, except by amateurs and bona fide news reel photographers, authority must first be obtained, in writing, from the superintendent, which authority will be granted in the discretion of the superintendent under special regulations prescribed by the Secretary.

§ 6.16 *Abandonment of property.* The abandonment of any personal property within an area is prohibited.

§ 6.17 *Dogs and cats.* (a) Dogs and cats are prohibited on the Government lands unless such animals are on leash, crated, or otherwise under physical restrictive control at all times: *Provided, however,* That the superintendent may designate areas to which dogs and cats shall not be admitted: *Provided further,* That in special cases, the Director may authorize the keeping of dogs and cats by residents in an area under such conditions as he may prescribe.

(b) Stray dogs or cats running at large in the areas may be killed by the superintendent to prevent molestation of the wildlife therein.

§ 6.18 *Travel on roads and trails.* (a) Persons traveling on the trails on saddle animals shall not make short cuts but must confine themselves to the established trails.

(b) The superintendent may establish the hours during which any of the Government roads shall be open to the public, and the direction of travel thereon. During any period of emergency the superintendent may prescribe such other conditions regarding travel as may, in his judgment, appear necessary. Information regarding such hours, direction, and conditions of travel may be obtained at the office of the superintendent.

(c) No vehicle shall be operated outside the roadways or designated parking areas.

(d) There shall not be operated or moved upon any Government road any vehicle of any kind the face of wheels or tracks of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes, or any device which may tend to injure the roadway. This regulation applies to all rings or flanges upon guiding or steering wheels of any such vehicle, but it shall not be construed as preventing the use of ordinary detachable tire or skid chains.

(e) The use of the Government roads for trucking, when such trucking is in no way connected with the operation of the area, is prohibited.

§ 6.19 *Vehicles; traffic.* (a) The areas are open to vehicles operated for pleasure, but such vehicles may not be operated outside the roads, and may be parked only in designated areas.

(b) Vehicles shall enter or leave the areas only at designated entrances and

exits, and between such hours as shall be determined by the superintendent and indicated by appropriate signs giving notice of such hours.

(c) Drivers of vehicles shall comply with the directions of all official traffic signs posted in the areas.

(d) Muffler cut-outs shall be kept closed at all times.

(e) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(f) The excessive acceleration of the engine of a motor vehicle while such vehicle is not moving, or is approaching a stopping place, is prohibited.

(g) No person shall cause or permit a vehicle under his control to obstruct traffic by making right or left turns from the wrong traffic lane or by weaving in and out of traffic, or in any other manner.

(h) No person driving or operating a vehicle shall fail to give proper hand signals or confuse other drivers by false signals or unnecessary extension of the hand or arm outside the vehicle. The following signals shall be given by extending the hand and arm from the left side in the following manner:

(1) Left turn. Hand and arm extended horizontally.

(2) Right turn. Hand and arm extended upward.

(3) Stop or decrease speed. Hand and arm extended downward: *Provided, however,* That in lieu of such hand signals, signals may be given by a signal lamp or signal device which conveys an intelligible signal or warning to another driver approaching from the front or rear.

(i) No person who is under the influence of intoxicating liquor or narcotic drugs shall drive or operate a vehicle within an area.

§ 6.20 Limitations on speed. (a) Speed of vehicles is limited to 35 miles per hour, unless a lower limit is prescribed for a particular road or roads by special regulations. In every event, vehicles shall be driven or operated at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or roadway conditions.

(b) The provisions of this section shall not apply to:

(1) Any vehicle driven or operated by or under the direction of the military or naval forces of the United States, or State military forces organized pursuant to section 61 of the National Defense Act, as amended.

(2) Any vehicle when driven or operated in an emergency for the protection or preservation of life, health, or for public safety: *Provided,* That this subparagraph shall not be so construed as to authorize any such vehicle to be driven or operated at a rate of speed in excess of that which is reasonable under conditions prevailing at such time.

§ 6.21 Advertisements. Private notices or advertisements shall not be posted, distributed, or displayed, excepting such as the superintendent may deem necessary for the convenience and guidance of the public.

§ 6.22 Private operations. (a) No person, firm, or corporation shall engage in or solicit any business in an area without permission in writing from the Director or his duly authorized representative.

(b) No person shall reside continuously within an area covered by these regulations except designated National Park Service employees, persons expressly authorized to do so by law, concessioners and their employees for the purpose of fulfilling their contracts, and former resident owners of land acquired for the area who have heretofore been granted permission to reside thereon.

§ 6.23 Motorboats. The use of boats powered with either inboard or outboard motors is prohibited, unless such use is first approved by the Director.

§ 6.24 Grazing. The running at large, herding, or grazing of livestock of any kind on the Government lands, as well as the driving of livestock over the same, is prohibited except where authority therefor has first been granted by the Director, or his authorized representative.

§ 6.25 Special regulations. Special regulations necessary to cover local situations will be published in the FEDERAL REGISTER and may be seen at the headquarters of the areas in which they are operative.

PART 12—PRIVATE LANDS SUBJECT TO EXCLUSIVE JURISDICTION OF THE UNITED STATES

Sec.

12.1 Applicability.

12.2 Fishing.

12.3 Fires.

12.4 Protection of wildlife.

12.5 Firearms.

12.6 Gambling.

12.7 Discrimination in furnishing public accommodations.

12.8 Intoxicating liquors.

AUTHORITY: §§ 12.1 to 12.8 issued under sec. 3, 39 Stat. 535; 16 U. S. C. 3.

§ 12.1 Applicability. The regulations in this part shall be applicable to privately owned lands within the following national parks, exclusive jurisdiction over which is vested in the United States: Crater Lake, Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite.

§ 12.2 Fishing. (a) Any person fishing in the waters of the parks listed in § 12.1 shall secure a sport fishing license as required by the laws of the state in which such waters of the park are situated, except that no such said license shall be required of any person fishing in the waters of Glacier, Mount McKinley, Mount Rainier, Olympic, and Yellowstone National Parks.

(b) All fishing in the waters of the parks listed in § 12.1 shall be done in con-

formity with the laws of the state or territory in which such waters of the park are situated regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs:

(c) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hands, is prohibited.

(d) Fishing in particular waters may be suspended, or restricted, in regard to the use of particular kinds of bait under special regulations.

(e) The number of fish that may be taken by one person in any one day from the various lakes and streams shall be limited to 10 fish, unless otherwise provided by special regulations.

(f) Possession of more than 2 days' catch by any person at any one time is prohibited, unless otherwise provided by special regulations.

(g) No fish less than 6 inches long may be retained unless a different limit be established by special regulations. All fish hooked less than such limit in length shall be carefully handled with moist hands and returned at once to the water if not seriously injured. Undersized fish retained because seriously injured shall be counted in the number of fish which may be taken in one day.

(h) The possession of live or dead minnows, chubs, or other bait fish, or the use thereof as bait, is prohibited.

(i) The canning or curing of fish for the purpose of transporting them out of any of the said parks is prohibited.

(j) The possession of fishing tackle or fish upon or along any waters closed to fishing shall be prima facie evidence that the person or persons having such fishing tackle or fish are guilty of unlawful fishing in such closed waters.

(k) State fishing licenses, where required, and all fish taken shall be exhibited, upon demand, to any person authorized to enforce the provisions of the regulations in this part.

§ 12.3 Fires. (a) Fires on privately owned lands within any of the parks listed in § 12.1 shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or earth. On public campgrounds the regular fireplaces constructed for the convenience of visitors shall be used. Should camp be made in a locality where no such open space exists or is provided, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.

(b) Fires shall be lighted on privately owned lands within the said parks only when necessary, and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

(c) Permission to burn in connection with any cleanup operation on privately owned lands within the said parks shall first be obtained, in writing, from the office of the superintendent, and in such cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and

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all damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

(d) No lighted cigarette, cigar, pipe, heel, match, or other burning material shall be thrown from any vehicle or saddle horse or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material on any privately owned lands within any of the said parks.

(e) The building of fires on privately owned lands within the said parks may be prohibited or limited by the superintendent when, in his judgment, the hazard makes such action necessary.

§ 12.4 Protection of wildlife. (a) The parks are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing, or attempting to kill, wound, frighten, or capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited on privately owned lands within the parks listed in § 12.1.

(b) Unauthorized possession on privately owned lands within any of the said parks of the dead body, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section.

(c) The carcasses of animals or birds or parts thereof, unlawfully taken or possessed on privately owned lands within any of the said parks, shall be seized and shall be disposed of as the superintendent may prescribe.

(d) During the hunting season, arrangements shall be made at entrance stations to identify and transport within or through the said parks, where necessary, the carcasses of birds or animals legally killed outside the parks.

§ 12.5 Firearms. Firearms, explosives, traps, seines, and nets are prohibited on privately owned lands within the parks listed in § 12.1, except upon written permission of the superintendent.

§ 12.6 Gambling. Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited on privately owned lands within the parks wherein the regulations of this part are applicable.

§ 12.7 Discrimination in furnishing public accommodations. The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodation within any of the parks listed in § 12.1 are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges offered to or enjoyed by the general public.

§ 12.8 Intoxicating liquors. (a) No alcoholic, spirituous, vinous, or ferment-

ed liquor, containing more than one per cent of alcohol by weight, shall be sold on any privately-owned lands within any of the national parks listed in § 12.1 unless a permit for the sale thereof has first been secured from the appropriate regional director.

(b) In granting or refusing applications for permits as herein provided, the regional directors shall take into consideration (1) the character of the neighborhood, (2) the availability of other liquor-dispensing facilities, (3) the local laws governing the sale of liquor, and (4) any other local factors which, in their judgment, have a relationship to the privilege requested.

(c) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the national park boundaries by the local State Government, or appropriate political subdivision thereof within whose exterior boundaries the place covered by the permit is situated.

(d) The applicant or permittee may appeal to the Director, National Park Service, from any final action of the appropriate regional director refusing, conditioning or revoking the permit. Such an appeal, in writing, shall be filed within twenty days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.

(e) The revocable permit for sale of intoxicating liquors authorized in this section to be issued by the appropriate regional director shall contain general regulatory provisions as hereinafter set forth, and will include such special conditions as the regional director may deem necessary to cover existing local circumstances, and shall be in a form substantially as follows:

FRONT OF PERMIT

No. _____ Form No. _____
Year 19____ (_____, 1948)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEREVOCABLE PERMIT FOR SALE OF INTOXICATING
LIQUORS ON PRIVATELY OWNED LANDS

Permission is hereby granted _____ of _____, during the period from _____, 19____, to _____, 19____, inclusive, to sell the following mentioned intoxicating liquors _____ within (an established place of business) (a place of business to be established) (strike out one) on the following described privately owned lands within _____ National Park, over which the United States exercises exclusive jurisdiction _____

subject to the general provisions and any special conditions stated on the reverse hereof and subject also to the payment to the Government of the United States of the sum of _____ dollars (\$_____-)

(annually) (quarterly) (monthly)
In advance, payment to be made through the Superintendent of the Park. Payment shall be tendered by money order, check or draft payable to the Treasurer, United States of

America. Payment shall not be considered as made until the funds are collected by the United States.

Issued at _____, this _____ day of _____, 19____

Superintendent.

The undersigned hereby accepts the above permit subject to the terms, covenants, obligations, and reservations expressed or implied therein, with the understanding that this permit shall not be valid until approved by the appropriate regional director.

Address: _____

Address: _____

Two witnesses to signature(s):

Address: _____

Address: _____

Approved:

Regional Director, Region _____

REVERSE OF PERMIT

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the Park.

2. Any building or structure used for the purpose of conducting the business herein permitted shall be kept in a safe, sanitary and slightly condition.

3. Permittee shall dispose of brush and other refuse from the business herein permitted as required by the Superintendent.

4. Permittee shall pay to the United States for any damage resulting to Government-owned property from the operation of the business herein permitted.

5. Permittee, his agents, and employees shall take all reasonable precautions to prevent forest fires and shall assist the Superintendent to extinguish forest fires within the vicinity of the place of business herein permitted, and in the preservation of good order within the vicinity of the business operations herein permitted.

6. Failure of the permittee to comply with all State and county laws and ordinances applicable to the sale of intoxicating liquors, except provisions requiring payment of license fees, or to comply with any law or any regulations of the Secretary of the Interior governing the Park, or with the conditions imposed by this permit, will be ground for revocation of this permit. The permit may be revoked by the regional director at any time in his discretion.

7. No minor may be employed by the permittee in the sale or dispensing of intoxicating liquors permitted under this permit.

8. No intoxicating liquors shall be sold to a minor.

9. No disorderly conduct shall be permitted on the premises.

10. This permit may not be transferred or assigned without the consent, in writing, of the appropriate regional director.

11. Neither members of, nor delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Department of the Interior shall be admitted to any share or part of this permit or derive, directly or indirectly, any pecuniary benefit arising therefrom.

12. The following special provisions are made a part of this permit:

¹ Sign name or names as written in body of permit; for copartnership permittees should sign as "Members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the secretary, with corporate seal, in lieu of witnesses.

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

- Sec.
- 13.1 Fees, general.
- 13.2 Commercial sightseeing buses, Shenandoah National Park and Blue Ridge Parkway.
- 13.3 Commercial passenger-carrying vehicles, Colonial National Historical Park.
- 13.4 Guide and elevator fees for Carlsbad Caverns.
- 13.5 Guide and elevator fees for Wind Cave.
- 13.6 Guide fees for Lehman Caves.
- 13.7 Guide fees for Crystal Cave.
- 13.8 Guide fees for Jewel Cave.
- 13.9 Guide fees for Kennesaw Mountain.
- 13.10 Guide fees for Timpanogos Cave National Monument.
- 13.11 Guide fees; miscellaneous.
- 13.12 Elevator fees; miscellaneous.
- 13.13 Admission fees; miscellaneous.
- 13.14 Rest house fee.
- 13.15 Fees for automobiles, motorcycles, and house trailer permits.
- 13.16 Guide fees for Mammoth Cave.

AUTHORITY: §§ 13.1 to 13.16 issued under sec. 3, 39 Stat. 535; 16 U. S. C. 3.

§ 13.1 *Fees, general.* (a) The fees prescribed in this part for the operation of commercial vehicles shall not be applicable to vehicles institutionally owned or chartered, carrying exclusively members of educational, welfare, or scientific organizations, such as boy scouts, girl scouts, school children, church organizations, inmates of charitable institutions, and members of generally recognized nonprofit organizations, when the trip to the area is officially initiated, organized, and directed by such organization.

(b) Personal admission, guide, and elevator fees prescribed in this part shall not be applicable to children under 12 years of age, or groups of school children 18 years of age or under, when accompanied by adults assuming responsibility for their safety and orderly conduct.

(c) In proper cases and upon application made in advance, the Director, Regional Directors, or superintendents may authorize admission without charge for guide and elevator service to persons from reputable educational institutions for the purpose of prosecuting class work or studies, or to persons under the support and care of charitable institutions and their attendants.

(d) Such fees prescribed in this part as are admission fees within the meaning of section 1700 (a) (1) of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943, shall be subject to the tax imposed thereby. Fees subject to the tax imposed by the provisions of the Revenue Code and which are waived pursuant to the foregoing provisions of this section are nevertheless subject to the tax imposed by the provisions of the Code and such tax must be paid by the person or persons for whom the fee is waived, unless such person or persons are specifically exempt under the provisions of the Code.

§ 13.2 *Commercial sightseeing buses, Shenandoah National Park and Blue Ridge Parkway.* Commercial sightseeing buses will be permitted to operate on the Skyline Drive in Shenandoah National Park, and that section of the Blue Ridge

Parkway between Jarman Gap and Rockfish Gap, under regulations applicable to the park, upon payment of a special permit fee of \$5.00 per bus per trip, in addition to the usual automobile permit fee.

§ 13.3 *Commercial passenger-carrying vehicles, Colonial National Historical Park.* (a) Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on any portion of the Colonial Parkway, Colonial National Historical Park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year; \$2.50 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1; 65 cents for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day; \$1.00 per vehicle per day.

§ 13.4 *Guide and elevator fees for Carlsbad Caverns.* In Carlsbad Caverns National Park, no person or persons shall be permitted to enter the caverns unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of \$1.25 shall be charged each person entering the caverns, except that children between the ages of 12 and 16 years shall be charged a fee of 25 cents each. The fee charged shall include the use of the elevator.

§ 13.5 *Guide and elevator fees for Wind Cave.* In Wind Cave National Park, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of fifty cents shall be charged each adult person entering the cave. Children between the ages of 12 and 16 years shall be charged a fee of 25 cents each, when accompanied by adults assuming responsibility for their safety and orderly conduct while in the cave. The respective fees shall include the use of the elevator.

§ 13.6 *Guide fees for Lehman Caves.* In Lehman Caves National Monument, no person or persons shall be permitted to enter the caves unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 40 cents shall be charged each person entering the caves.

§ 13.7 *Guide fees for Crystal Cave.* In Sequoia National Park, no person or persons shall be permitted to enter Crystal Cave, unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 40 cents shall be charged each person entering the cave.

§ 13.8 *Guide fees for Jewel Cave.* In Jewel Cave National Monument, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 50 cents

shall be charged each person entering the cave.

§ 13.9 *Guide fees for Kennesaw Mountain.* In Kennesaw Mountain National Battlefield Park, no automobile shall be permitted to ascend Kennesaw Mountain unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee shall be charged each automobile ascending the mountain, as follows: Single trip, 25 cents; yearly permit (good on week-days only), \$1.

§ 13.10 *Guide fees for Timpanogos Cave National Monument.* In Timpanogos Cave National Monument, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 50 cents shall be charged each adult person entering the cave. Children between the ages of 12 and 16 years, inclusive, shall be charged a fee of 25 cents each.

§ 13.11 *Guide fees; miscellaneous.* A guide fee shall be charged each person taking a guided trip through the following areas:

	Yearly fee	Trip fee
Aztec Ruins National Monument.....	\$0.50	\$0.25
Casa Grande National Monument.....	.50	.25
Chaco Canyon National Monument.....	.50	.25
El Morro National Monument.....	.50	.25
Montezuma Castle National Monument.....	.50	.25
Tumacacori National Monument.....	.50	.25

§ 13.12 *Elevator fees; miscellaneous.* (a) A fee of 5 cents in each direction shall be charged each person using the elevator in the Statue of Liberty.

(b) A fee of 25 cents shall be charged each person using the elevator in the Perry's Victory and International Peace Memorial, except children between the ages of 12 and 15 years, inclusive, who shall be charged 15 cents each: *Provided*, That in proper cases groups of persons from clubs and associations may be granted a special rate of 10 cents per person.

(c) A fee of 10 cents shall be charged each person using the elevator in the Washington Monument.

§ 13.13 *Admission fees; miscellaneous.* (a) An admission fee shall be charged each person entering the following areas:

	Fee
Castillo de San Marcos National Monument.....	\$0.10
Fort Pulaski National Monument.....	.10
George Washington Birthplace National Monument.....	.10
Fort Raleigh National Historic Site (except after 6:00 p. m. on days when the pageant, "The Lost Colony," is presented by the Roanoke Island Historical Association).....	.10

(b) An admission fee shall be charged each person entering the following places:

	Fee
Fort McHenry National Monument and Historic Shrine—Inner Fort.....	\$0.10
Colonial National Historical Park: Moore House.....	.10
Yorktown Historical Museum.....	.10

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Morristown National Historical Park—	Fee
Ford Museum and Mansion.....	\$0.10
Fredericksburg and Spotsylvania	
County Battlefields Memorial Na-	
tional Military Park—Museum.....	.10
Chickamauga and Chattanooga Na-	
tional Military Park—Point Park.....	.10
Vicksburg National Military Park—	
Museum.....	.10
Salem Maritime National Historic	
Site—Derby House.....	.25
Vanderbilt Mansion National Historic	
Site—Mansion.....	.25
Lincoln Museum.....	.10
House Where Lincoln Died.....	.10
Lee Mansion in Arlington National	
Cemetery.....	.10
Adams Mansion National Historic	
Site.....	.25

(c) A fee of 21 cents shall be charged each person entering the Home of Franklin D. Roosevelt National Historic Site. A combined fee of 42 cents may be charged each person for entrance to the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Library. No charge shall be made for persons desiring to visit only the grave of Franklin D. Roosevelt or visiting the Home on business.

(d) A fee of ten cents shall be charged each person entering the Government area on Jamestown Island in Colonial National Historical Park, except members of the Association for the Preservation of Virginia Antiquities. The fee shall be combined with a fee of twenty-six cents per person charged for admission to the area owned by the Association for the Preservation of Virginia Antiquities and included within the Jamestown National Historic Site.

(e) A fee of twenty-seven cents shall be charged each person entering the Cyclorama Building at Gettysburg National Military Park.

§ 13.14 Rest house fee. A fee of 50 cents per person per night shall be charged for the use of Mauna Loa rest houses in Hawaii National Park, except children under 12 years of age, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct.

§ 13.15 Fees for automobiles, motorcycles, and house trailer permits. (a) Fees for automobile permits are as follows:

	Yearly permit	Trip permit
Bryce Canyon and Zion National Parks.....	\$1.00	-----
Crater Lake National Park.....	1.00	-----
Glacier National Park.....	1.00	-----
Grand Canyon National Park.....	1.00	-----
Grand Teton National Park (fee paid may be applied on fee for Yellowstone permit).....	1.00	-----
Lassen Volcanic National Park.....	1.00	-----
Mesa Verde National Park.....	1.00	-----
Mount Rainier National Park.....	1.00	-----
Rocky Mountain National Park.....	1.00	-----
Sequoia-Kings Canyon National Parks.....	1.00	-----
Shenandoah National Park and the section of Blue Ridge Parkway between Jarman Gap and Rockfish Gap.....	1.00	\$0.25
Yellowstone and Grand Teton National Parks.....	3.00	-----
Yosemite National Park.....	2.00	-----
Bandelier National Monument.....	.50	-----
Colorado National Monument.....	.50	-----
Craters of the Moon National Monument.....	.50	-----
Devils Tower National Monument.....	.50	-----
Lava Beds National Monument.....	.50	-----
Petrified Forest National Monument.....	.50	-----

	Yearly permit	Trip permit
Pinnacles National Monument.....	\$0.50	-----
Scotts Bluff National Monument.....	.25	-----
White Sands National Monument.....	.50	-----
Blue Ridge Parkway between Adney Gap, Virginia, and Deep Gap, North Carolina, and between Beacon Heights, North Carolina, and McKinney Gap, North Carolina.....	1.00	\$0.25

(b) Fees for motorcycle permits are as follows:

	Yearly permit	Trip permit
Bryce Canyon and Zion National Parks.....	\$1.00	-----
Crater Lake National Park.....	1.00	-----
Glacier National Park.....	1.00	-----
Grand Canyon National Park.....	1.00	-----
Grand Teton National Park (fee paid may be applied on fee for Yellowstone permit).....	.50	-----
Lassen Volcanic National Park.....	1.00	-----
Mesa Verde National Park.....	1.00	-----
Mount Rainier National Park.....	1.00	-----
Rocky Mountain National Park.....	1.00	-----
Sequoia-Kings Canyon National Parks.....	1.00	-----
Shenandoah National Park and the section of Blue Ridge Parkway between Jarman Gap and Rockfish Gap.....	1.00	\$0.25
Yellowstone and Grand Teton National Parks.....	1.00	-----
Yosemite National Park.....	1.00	-----
Bandelier National Monument.....	.50	-----
Colorado National Monument.....	.50	-----
Craters of the Moon National Monument.....	.50	-----
Devils Tower National Monument.....	.50	-----
Lava Beds National Monument.....	.50	-----
Petrified Forest National Monument.....	.50	-----
Pinnacles National Monument.....	.50	-----
Scotts Bluff National Monument.....	.25	-----
White Sands National Monument.....	.50	-----
Blue Ridge Parkway between Adney Gap, Virginia, and Deep Gap, North Carolina, and between Beacon Heights, North Carolina, and McKinney Gap, North Carolina.....	1.00	.25

(c) Fees for house trailer permits are as follows:

	Yearly permit	Trip permit
Bryce Canyon and Zion National Parks.....	\$1.00	-----
Crater Lake National Park.....	1.00	-----
Glacier National Park.....	1.00	-----
Grand Canyon National Park.....	1.00	-----
Lassen Volcanic National Park.....	1.00	-----
Mesa Verde National Park.....	1.00	-----
Mount Rainier National Park.....	1.00	-----
Rocky Mountain National Park.....	1.00	-----
Sequoia-Kings Canyon National Parks.....	1.00	-----
Shenandoah National Park and the section of Blue Ridge Parkway between Jarman Gap and Rockfish Gap.....	1.00	\$0.25
Yellowstone and Grand Teton National Parks.....	1.00	-----
Yosemite National Park.....	1.00	-----
Bandelier National Monument.....	.50	-----
Craters of the Moon National Monument.....	.50	-----
Devils Tower National Monument.....	.50	-----
Lava Beds National Monument.....	.50	-----
Petrified Forest National Monument.....	.50	-----
Pinnacles National Monument.....	.50	-----
White Sands National Monument.....	.50	-----
Blue Ridge Parkway between Adney Gap, Virginia, and Deep Gap, North Carolina, and between Beacon Heights, North Carolina, and McKinney Gap, North Carolina.....	1.00	.25

(d) (1) To promote the purpose of the act of May 2, 1932 (47 Stat. 145; 16 U. S. C. 161a), Canadian dollars tendered by Canadian visitors entering the United States section of Glacier National Park will be accepted at the official rate of exchange in payment of the foregoing entrance fees prescribed for the park.

(2) No fee shall be charged residents of Coconino County, Arizona, or Kanab,

Utah, entering Grand Canyon National Park, or residents of Washington and Kane Counties, Utah, or residents of that part of Coconino County, Arizona, lying north and west of the Colorado River, entering Zion National Park, or residents of Garfield and Kane Counties, Utah, entering Bryce Canyon National Park, in the conduct of their usual occupation or business.

(3) The fees relating to Sequoia-Kings Canyon National Parks, prescribed in this section, shall not be collected in cases where such a collection would interfere with the movement of stock and vehicular traffic without charge to and from national forest lands on either side of the lands added to the General Grant Grove section of Kings Canyon National Park pursuant to Proclamation No. 2411 of June 21, 1940 (54 Stat. 2710), issued pursuant to the act of March 4, 1940 (54 Stat. 41; 16 U. S. C. 80a).

(4) No fee shall be charged for automobiles, trucks, motorcycles, or house trailers using the section of U. S. Highway No. 191 in Yellowstone National Park, or for passenger vehicles owned by legally registered voters of Cooke, Montana, operating directly between the north and northeast entrances of the park.

§ 13.16 Guide fees for Mammoth Cave. (a) In Mammoth Cave National Park, no person shall be permitted to enter the cave unless accompanied by National Park Service personnel. Competent guide service is provided by the Government, for which fees shall be charged as follows:

Route:	Fee per person
No. 1—Echo River.....	\$1.25
No. 2—Frozen Niagara.....	1.25
No. 3—Historical.....	1.25
No. 4—All day.....	2.50

(b) The fees prescribed in this section include a charge for bus transportation service of 25 cents per person for each cave trip to be paid to the park operator whenever such service is furnished between cave headquarters and cave entrances or exits.

(c) All persons exempt from payment of the guide fees prescribed in this section shall pay a bus transportation fee of 25 cents per person to the park operator whenever such service is furnished between cave headquarters and cave entrances or exits.

PART 20—SPECIAL REGULATIONS

Sec.	
20.1	Colonial National Historical Park.
20.2	Crater Lake National Park.
20.3	Glacier National Park.
20.4	Grand Canyon National Park.
20.5	Mount Rainier National Park.
20.6	Muir Woods National Monument.
20.7	Rocky Mountain National Park.
20.8	Sequoia-Kings Canyon National Parks.
20.9	Shiloh National Military Park.
20.10	Zion and Bryce Canyon National Parks.
20.11	Lassen Volcanic National Park.
20.12	Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.
20.13	Yellowstone National Park.
20.14	Great Smoky Mountains National Park.
20.15	Shenandoah National Park.
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- Sec.
 20.17 Platt National Park.
 20.18 Hot Springs National Park.
 20.19 Morristown National Historical Park.
 20.20 Moores Creek National Military Park.
 20.21 Guilford Courthouse National Military Park.
 20.22 Grand Teton National Park.
 20.23 George Washington Birthplace National Monument.
 20.24 Catoclin Recreational Demonstration Area.
 20.25 Hawaii National Park.
 20.26 Chickamauga and Chattanooga National Military Park.
 20.27 Fort Jefferson National Monument.
 20.28 Olympic National Park.
 20.29 Bandelier National Monument.
 20.30 Salem Maritime National Historic Site.
 20.31 Vanderbilt Mansion National Historic Site.
 20.32 Ocmulgee National Monument.
 20.33 Statue of Liberty National Monument.
 20.34 Blue Ridge Parkway.
 20.35 Gettysburg National Military Park.
 20.36 Mammoth Cave National Park.
 20.37 Timpanogos Cave National Monument.
 20.38 Isle Royale National Park.
 20.39 Mesa Verde National Park.
 20.40 Hopewell Village National Historic Site.
 20.41 Big Bend National Park.
 20.42 Pipestone National Monument.
 20.43 Natchez Trace Parkway.

AUTHORITY: §§ 20.1 to 20.43 issued under sec. 3, 39 Stat. 535, sec. 5, 41 Stat. 732, sec. 1, 47 Stat. 1420, 49 Stat. 2041, 56 Stat. 138, 46 Stat. 315, 49 Stat. 666, sec. 209, 49 Stat. 206, 50 Stat. 804, 52 Stat. 407, 54 Stat. 249; 16 U. S. C. 3, 9a, 403i, 408g, 118, 462, 445c, 460, 460a, 460a-2, 460a-3, 5 U. S. C. 132 note, 40 U. S. C. 409; E. O. 6166, June 10, 1933, as interpreted by E. O. 6228, July 28, 1933, E. O. 7496, Nov. 14, 1936; 1 F. R. 1946, and Parts 1 and 6, *supra*.

§ 20.1 Colonial National Historical Park—(a) *Fishing*. Fishing from bridges within the park is prohibited.

(b) *Travel on roads and trails*. (1) All battlefield roads are restricted to one way traffic.

(2) Any road, trail or area within the park may be closed to public use by order of the superintendent when, in his judgment, conditions such as fire hazards, work operations, or other dangers make such action necessary for the protection of the park and of the public.

(c) *Speed*. Speed of vehicles is limited to 25 miles per hour in the battlefield area, and to 15 miles per hour in the utility areas and residential sections.

(d) *Closing of areas*. The beach and picnic grounds shall be closed daily at 11:00 p. m.

§ 20.2 Crater Lake National Park—(a) *Fishing; limit of catch*. The limit of catch is 12 fish per person per day.

(b) *Dogs*. No dogs are allowed at the Rim concentration area between the main roadway and the lake.

§ 20.3 Glacier National Park—(a) *Fishing; open season*. The opening date for fishing in all waters in Glacier National Park shall conform to the regular opening date of the fishing season for the State of Montana, but the open season for fishing in all waters of the Park shall close at 9:30 p. m. on October 15, subject to the following exceptions and restrictions:

(1) Howe Lake and Mud Lake will be closed at 9:30 p. m. July 5.

(2) Midvale Creek is closed at all times.

(3) Fishing is prohibited between the hours of 9:30 p. m. and 5:00 a. m.

(b) *Fishing; limit of catch and in possession*. (1) The limit of catch per person per day shall be 15 pounds of fish (dressed weight with heads and tails intact) and 1 fish, not exceeding in the aggregate 10 fish.

(2) Possession of more than 1 day's catch limit by any person at any one time is prohibited.

(c) *Fishing; bait*. (1) The possession, or use for bait, of salmon eggs or other fish spawn, or any imitation thereof or substance prepared therefrom, is prohibited.

(2) Fishing with multiple spinner baits (lures with more than one blade on a single line) is prohibited.

(3) The snagging of fish is prohibited.

(d) *Speed*. The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 45 miles per hour, subject to the following conditions and limitations:

(1) In all areas so posted, and on dangerous curves, 20 miles per hour.

(2) On the North Fork Truck Trail from Apgar to Kishenehn, and on all feeder roads leading thereto, 25 miles per hour.

(3) Between U. S. Highway No. 89 (Blackfoot Highway) and Cut Bank Chalets, 30 miles per hour.

(4) Between U. S. Highway No. 89 (Blackfoot Highway) and Two Medicine Chalets, 30 miles per hour.

(5) On the Going-to-the-Sun Highway between Logan Creek and Siyeh Creek, 30 miles per hour.

(6) All trucks and busses of 1½ tons capacity or over, 35 miles per hour.

(7) All vehicles towing other vehicles, 35 miles per hour.

(e) *Camping*. No person, party, or organization shall be permitted to camp in the Park more than 30 days in any one calendar year. Camping in Sprague Creek Campground shall not exceed 15 days in any one calendar year.

(f) *Mufflers*. All cars, trucks, busses, and motorcycles shall be equipped with muffling systems in good working order. Cut-outs are prohibited.

§ 20.4 Grand Canyon National Park—(a) *Load and vehicle weight limitations*. No vehicle shall be operated or moved upon any road within the boundaries of Grand Canyon National Park which has:

(1) A total weight, including vehicle and load, in excess of 22,000 pounds when such vehicle is equipped with four wheels.

(2) A total weight, including vehicle and load, in excess of 34,000 pounds when such vehicle is equipped with six or more wheels.

(3) A total weight, including vehicle and load, in excess of 18,000 pounds on any one axle or in excess of 9,000 pounds on any one wheel.

(4) A weight in excess of 700 pounds upon any inch in width of the tire in contact with the surface of the roadway, when such tire is of rubber, either pneumatic, cushion or solid.

(5) A weight in excess of 500 pounds upon any inch in width of the tire in

contact with the surface of the roadway, when such tire is made, in whole or in part, of metal.

(6) *Provided, however*, That a horse-drawn vehicle equipped with metal tires may be operated when the weight of such vehicle including any load thereon does not exceed 700 pounds upon any inch in width of tire.

(7) *Provided further*, That the provisions of this section shall not apply to traction engines or tractors the propulsive power of which is exerted, not through wheels resting upon the ground, but by means of a flexible band or chain known as a movable track when the portions of the movable tracks in contact with the surface of the roadway present plane surfaces.

(b) *Flanges, ribs, clamps*. There shall not be operated or moved upon any road within the boundaries of Grand Canyon National Park any vehicle of any kind the face of the wheel or wheels of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes or any device which may tend to damage the roadway. This section applies to all rings or flanges upon guiding or steering wheels on any such vehicle, but it shall not be construed to prevent the use of ordinary detachable tire or skid chains.

(c) *Weighting by park officers*. Any officer of Grand Canyon National Park having reason to believe that the weight of a vehicle and load is unlawful and not in conformity with the regulations in this part, is authorized to weigh the same either by portable or by stationary scales and may require that such vehicle be driven to the nearest scales in the event such scales are within 5 miles. The officer may then require the driver to unload immediately such portions of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified in the foregoing paragraphs.

(d) *Special permits*. The Superintendent of Grand Canyon National Park may, in his discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified in the foregoing paragraphs upon any Park highway. Every such permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by said Superintendent. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any Park officer.

(e) *Reduction of load and tire limitations*. Whenever by reason of rains, thawing snow or frost, or as a result of any other cause, any Park road or roads are in a soft condition or are unsuitable for heavy traffic, the Superintendent of Grand Canyon National Park may, in his discretion and for so long a period as he deems advisable, reduce the load and tire carrying capacity limitations to one-half of those specified in the foregoing paragraphs.

(f) *Speed*. Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 35 miles per hour.

§ 20.5 Mount Rainier National Park—

(a) *Camping.* Quiet shall be maintained in all camps between the hours of 10:00 p. m. and 6:00 a. m.

(b) *Fishing; open season.* The fishing season in streams shall be from the fourth Sunday in May to October 15, inclusive, and in lakes from July 4 to September 30, inclusive, with the following exceptions and restrictions:

(1) In Mowich Lake the fishing season shall be from August 1 to September 30, inclusive.

(2) Fishing is permitted only between the hours of 4:00 a. m. and 9:00 p. m.

(c) *Fishing; closed waters.* The following waters are closed to fishing:

(1) Tipsoo Lake.

(2) Shadow Lake.

(3) Klickitat Creek above the White River Entrance water supply intake.

(4) Laughing Water Creek above the Chanapecosh water supply intake.

(5) Panther Creek above the East Side Road.

(d) *Fishing; limit of catch and in possession.* (1) The limit of catch per person per day in streams shall be 15 fish over 6 inches in length.

(2) The limit of catch per person per day in lakes shall be 10 pounds and 1 fish, with a maximum of 10 fish over 6 inches in length.

(3) All fish hooked less than 6 inches in length shall be carefully handled with moist hands and returned at once to the water.

(4) Possession of more than 2 days' catch by any person at any one time is prohibited.

(e) *Fishing; method; cleaning; license.* (1) Fishing in any other way than with hook and line is prohibited.

(2) The Chanapecosh River and its tributaries are closed to all fishing except fly fishing. The use of bait and other lures is prohibited.

(3) The cleaning of fish in lakes or streams is prohibited.

(4) A license is not required for fishing in the park.

(f) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) In all areas which are so posted, and on dangerous curves, 15 miles per hour.

(2) All trucks of a ton and a half capacity or over, 30 miles per hour.

(3) Cars towing trailers or other cars or vehicles of any kind, 30 miles per hour.

(g) *Entrances and exits.* Automobiles will be permitted to enter and leave the park through park checking stations between the hours of 6:00 a. m. and 11:00 p. m. daily.

(h) *Load and weight limitation for vehicles.* No truck or commercial vehicle having a total weight, including vehicle and load, in excess of 5,000 pounds shall be operated or moved on the East Side Road between Cayuse Pass and the southern park boundary, except vehicles of authorized park operators or vehicles for which operators have obtained written permission of the park superintendent.

§ 20.6 Muir Woods National Monument—(a) *Fires.* Fires are prohibited within the monument.

(b) *Dogs.* Dogs are allowed in the monument only under leash. Those found running at large will be impounded and disposed of according to law.

§ 20.7 Rocky Mountain National Park—(a) *Fires.* The building of fires for any purpose on or along park roads, except in designated areas, is prohibited.

(b) *Fishing.* (1) Fishing shall be done in conformity with the laws and regulations of the State of Colorado regarding open seasons, hours for fishing, minimum size limits, and the method of handling and returning undersized fish to the water.

(2) The use of seines, throw lines, set lines, or any other method of catching fish, except by rod and line held in the hand, is prohibited.

(3) The use of minnows or small fish of any kind or type as a live bait for fishing, or the release or freeing thereof in any of the park waters without permission of the superintendent is prohibited.

(4) The daily bag limit shall be in conformity with the limit prescribed by the laws and regulations of the State of Colorado but in no event shall exceed a maximum of fifteen fish (not exceeding a total of 10 pounds) for one day's catch. The possession of more than one day's catch by any person at any one time is prohibited.

(5) Fishing in rearing ponds or other posted waters is prohibited.

(6) Tonahutu Creek is closed to fishing for a distance of 3 miles upstream from the park boundary.

(c) *Travel on roads and trails.* Travel on the Fall River Road is limited to one-way travel from Chasm Falls to Fall River Pass.

(d) *Camping.* No person, party, or organization shall be permitted to camp in the park more than 30 days in any calendar year.

(e) *Trucking.* (1) The park superintendent may issue permits for the use of the Trail Ridge Road for trucking by ranchers, farmers, and business concerns located in the counties of Larimer, Boulder, and Grand, Colorado, when the loads carried originate and terminate within these counties, for which fees shall be charged as follows:

Vehicle, 1 ton or less.....	\$2.00
Vehicle, over 1 ton but not more than 2 tons.....	3.00
Vehicle, over 2 tons but not more than 3 tons.....	4.00
Vehicle, over 3 tons but not more than 5 tons.....	5.00
Vehicle, over 5 tons but not more than 10 tons.....	10.00

(2) The applicable fee shall be charged for the licensed capacity of a truck, trailer, or semi-trailer.

(3) The fee charged is for one round trip. *Provided,* Such trip is made in one day, otherwise the fee is for a one-way trip.

(4) No vehicle which has a gross weight, including vehicle and load, in excess of 10 tons, shall be operated or moved on the Trail Ridge Road.

(5) The fee provided in this paragraph shall also apply to special emer-

gency trucking permits issued pursuant to § 1.37 (a) of this chapter.

§ 20.8 Sequoia-Kings Canyon National Parks—(a) *Stock driveways.* (1) So long as it may be available for such purpose, the present county road extending from the west boundary of Kings Canyon National Park near Redwood Gap to Quail Flat junction of the Generals Highway and the old road beyond is designated for the movement of stock and vehicular traffic, without charge, to and from national forest lands on either side of the General Grant grove section of the park. Care must be exercised to prevent stock from straying from the right-of-way.

(2) Noonung at Redwood Gap is permitted, provided the stock are first driven beyond the developed area.

(3) In emergencies other stock driveway crossings in the General Grant grove section of the park may be used without charge under special arrangements first made with the superintendent of the parks.

(b) *Camping.* Within the campgrounds or other occupied areas of the Sequoia National Park, quiet must be maintained between the hours of 10:00 p. m. and 6:00 a. m.

(c) *Entrance roads.* (1) Automobiles will be permitted to enter Sequoia National Park through the Ash Mountain and Lost Grove Checking Stations between the hours of 5:00 a. m. and 9:00 p. m. except on Saturdays and days preceding a holiday, on which days entrance will be permitted until 11:00 p. m. Vehicles may leave the park through these stations only between the hours of 6:00 a. m. and 10:00 p. m.

(2) Vehicle travel is prohibited within the Giant Forest and Lodgepole areas between the hours of 11:00 p. m. and 5:00 a. m. except on Saturdays and the days preceding holidays, when the hours shall be 12:00 midnight to 5:00 a. m.

(d) *Speed.* Special speed limits within Sequoia National Park are as follows:

(1) Generals Highway: Through Ash Mountain Headquarters, Hospital Rock Camp and Giant Forest Village area where signs are posted, 15 miles per hour.

From Giant Forest Lodge to General Sherman Tree where sign is posted, 25 miles per hour.

(2) Moro Rock Crescent Meadow, and Wolverton Roads where sign is posted, 25 miles per hour.

(3) Lodgepole and Giant Forest Camp Roads, 15 miles per hour.

(4) North Fork Road, 25 miles per hour.

(5) Bear Hill Road, 15 miles per hour.

(6) Ash Mountain and Potwisha Camp Roads, 15 miles per hour.

(7) On curves where driver's view is obstructed within a distance of 200 feet along such highway in the direction in which the vehicle is proceeding, 15 miles per hour.

(8) At all intersections, 15 miles per hour.

(9) At intersections, road crossings or ranger stations where posted with "Stop" signs, all vehicles shall come to a full stop before proceeding.

(e) *Fishing.* (1) The fishing season shall conform to that of the State of California.

(2) The limit of catch per person per day shall be 15 fish or 7 pounds of fish and 1 fish. Possession of more than one day's catch limit by any person at any one time is prohibited.

(3) A California State fishing license is required of all persons over 18 years of age fishing in the parks.

(4) The following parts of all streams and lakes within the parks are closed to fishing:

(i) All lakes within 300 feet of an inlet or outlet.

(ii) All streams connected with any lake shall be closed for a distance of 300 feet from either the inlet or the outlet of the lake.

(iii) When any stream connecting two lakes is one-fourth mile or less in length, the entire stream shall be closed to fishing.

(5) In Sequoia National Park the following waters are closed to fishing to act as holding ponds and feeder streams for restocking main waters and other fish conservation measures:

(i) On the watershed of the North Fork of the Kaweah River:

Cabin Creek from source to junction with Dorst Creek.

Yucca Creek from Colony Mill-Hidden Spring Trail crossing to source.

Dorst Creek from Generals Highway above road to source.

(ii) On the watershed of the Marble Fork of the Kaweah River:

Deer Creek from the foot bridge on the Sunset-Village Trail to source, except to children 10 years of age or younger.

That section of Wolverton Creek above the Wolverton Dam from point where signs are posted to source.

Silliman Creek from source at Silliman Lake to bridge on Generals Highway.

That section of the Marble Fork of the Kaweah River from the log bridge in Lodgepole Camp to one mile below the bridge on the Colony Mill Road, from August 31 to close of season.

(iii) On the watershed of the Middle Fork of the Kaweah River:

Crescent Meadow from source to High Sierra Trail Bridge at lower Crescent Meadow. Middle Fork of the Kaweah River from 1/4 mile above Buckeye Flat Fish Rearing Ponds to Potwisha Camp, from August 31 to close of season.

Granite Creek from source to junction with Eagle Scout Creek.

Eagle Scout Creek from source to junction with Middle Fork of the Kaweah River.

Middle Fork of the Kaweah River between the Bearpaw-Redwood Meadow Trail Bridge to falls on Lone Pine Creek from May 1 to June 30, inclusive.

Lone Pine Creek from bridge on High Sierra Trail upstream to and including Tamarrack Lake.

(iv) On the watershed of the South Fork of the Kaweah River:

That section of the South Fork from Clough Cave upstream to Ladybug Camp, from August 31 to close of season.

That section of the South Fork, in the Hockett Meadow Area, from the lower end of Cabin Meadow to source.

Tuohy Creek from public campgrounds to source.

(v) On the watershed of the East Fork of the Kaweah River:

That section of the East Fork between Atwell Mill-Hockett Meadow Trail Bridge to Cold Spring Trail crossing, from August 31 to close of season.

Whitman Creek from junction with Cow Creek to source.

(6) In Kings Canyon National Park the following waters are closed to fishing to act as holding ponds and feeder streams for restocking main waters and other fish conservation measures:

(1) On the South Fork of the Kings River:

Sheep Creek and its tributaries from source to the park boundary.

That section of Lewis Creek from the upper trail crossing to the park boundary.

Comb Creek, that section between junction with Lewis Creek to the trail crossing.

§ 20.9 *Shiloh National Military Park.* The maximum weight of any vehicle using the park roads or the Shiloh-Corinth Federal Highway, including the load of such vehicle, shall not exceed 18,000 pounds.

§ 20.10 *Zion and Bryce Canyon National Parks—(a) Limitations on load, weight, and size of vehicles.* (1) Any vehicle or load over 8 feet in width or 10 feet 6 inches in height is prohibited from using the highways in Zion or Bryce Canyon National Parks except by written permission of the Park Superintendent.

(2) Vehicles or loads requiring special permission must be escorted through the tunnels in Zion National Park by the Chief Ranger. Drivers or owners of special trucks or loads will not control the traffic while passing through the tunnels except under the direction of the Chief Ranger.

(b) *Maximum size of vehicles:*

	Feet
(1) Total width of vehicle, including load	8
(2) Total width of farm tractor	9
(3) Total height of vehicle with load	14
(4) Total length of single vehicle	35
(5) Total length of combinations of vehicles	55
(6) A truck tractor and semi-trailer is considered one vehicle for the purpose of determining length. No vehicle or train of vehicles shall carry any load extending more than three feet beyond the front of the vehicle.	

(c) *Maximum weights of vehicles.* (1) No motor vehicle equipped with pneumatic tires shall be driven on any highway in the park with a maximum gross weight in excess of 9,000 pounds on one wheel, 18,000 on any one axle; and subject to this axle load limitation, no vehicle shall be operated whose total gross weight, with load, exceeds that given by formula $W 700 (L \text{ plus } 40)$ where the W equals the distance between the first and last axle of a vehicle or combination of vehicles in feet. An axle load shall be defined as the total load on all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart.

(2) Subject to the above limitations, no vehicle equipped with pneumatic tires shall be operated with a load of over 800 pounds per inch in width of tires, for tires measuring more than 5 inches in width, nor more than 600 pounds per inch in width of tires measuring 5 inches in width, or less, and more than 3 inches

in width, nor more than 400 pounds per inch width of tire for tires measuring 3 inches or less in width, on any one wheel concentrated on the surface of the roadway, said width being measured between the flanges of the rim.

(3) No motor vehicle equipped with solid rubber tires shall be operated on any highway with maximum gross weights in excess of 75 percent of the weights prescribed for vehicles equipped with pneumatic tires.

(4) The load on any wheel of any vehicle equipped with metal tires shall not exceed 400 pounds, per inch in width of tire.

(5) Where one vehicle is being towed by another the two vehicles shall not be more than 15 feet apart, except where poles are being transported, in which case the two vehicles must not be more than 25 feet apart. A red flag or other signal or cloth not less than 12 inches square shall be displayed on chain, rope, or cable connecting the two vehicles.

(d) *Speed.* Speed of automobiles and other vehicles is limited to 25 miles per hour in tunnels and, when indicated by proper signs, within 200 feet of important road junctions.

§ 20.11 *Lassen Volcanic National Park—(a) Fishing; open season.* (1) In the following waters the fishing season shall be from May 1 to October 31, inclusive.

Manzanita Lake.	Hat Creek.
Reflection Lake.	Summit Lake.
Hat Lake.	Echo Lake.

(2) In all other waters open to fishing the season shall be from May 30 to October 31, inclusive.

(b) *Fishing; limit of catch and in possession.* The limit of catch and in possession per person per day shall be 10 fish, or 10 pounds of fish and 1 fish, in all waters except Manzanita Lake and Reflection Lake, where the daily limit of catch shall be 5 fish, or 5 pounds of fish and 1 fish. All fish caught, regardless of size, shall be retained.

(c) *Fishing; closed waters.* The following waters are closed to fishing:

Manzanita Creek.
Grassy Swale Creek.
Grassy Creek.
Emerald Lake.
Manzanita Lake, within 150 feet of inlet and outlet.

(d) *Entrance roads.* The Manzanita Lake and Sulphur Works entrances will be open from 6:00 a. m. to 10:00 p. m. daily.

(e) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 20 miles per hour in the Manzanita Lake area, which includes the following roads:

Manzanita Lake Campground Roads Nos. 1 and 2.

The road to Reflection Lake picnic ground. One-half mile of the Lassen Peak Loop Highway between the Manzanita Lake checking station and the gasoline station.

§ 20.12 *Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.* Speed of automobiles and other vehicles except ambulances and Government cars on emer-

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agency trips is limited to 10 miles per hour in the immediate vicinity of camps where signs are posted indicating such limit. Speed of motor trucks is limited to 25 miles per hour on all of the park roads.

§ 20.13 *Yellowstone National Park—*
(a) *Fishing; open season; special areas.* The fishing season shall be from sunrise on May 30 to sunset on October 15, except in special areas as follows:

(1) All streams emptying into Yellowstone Lake, including the mouths of the streams, the Yellowstone River and its tributaries from a point 10 yards above Fishing Bridge to the Upper Falls at Canyon, and Grebe Lake are open to fishing from July 1 to October 15, inclusive.

(2) The following waters are open to fishing from May 30 to September 30, inclusive:

Madison River.	Campanula Creek.
Cougar Creek.	Gneiss Creek.
Maple Creek.	Grayling Creek.
Duck Creek.	Tepee Creek.

(b) *Fishing; closed waters.* The following waters are closed to fishing:

Indian Creek.
Panther Creek.
Gardiner River, for its entire length above the Mammoth water supply intake.
Glen Creek.
Mammoth Water Supply Reservoir.
Riddle Lake.
Duck Lake.
Buck Lake.
Trout Lake.
Shrimp Lake.

All streams trapped for egg taking purposes are closed from the mouths of the streams to a distance of three miles above the traps during the spawning season.

(c) *Fishing; limit of catch and in possession.* The limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any one person, shall be 15 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 10 fish; except in certain waters specified below where the limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any one person, shall not exceed a total of 5 fish:

Madison River—Entire length within Yellowstone National Park.
Yellowstone River—From a point 10 yards above Fishing Bridge to the Upper Falls at Canyon.
Firehole River—Below Kepler Cascades.
Gibbon River—Below Gibbon Falls.

(d) *Fishing; restriction on use of bait.* No salmon eggs or other fish eggs, either fresh or preserved, shall be used as bait. The possession of such salmon eggs or other fish eggs is prohibited within the park.

(e) *Weight and size limits for vehicles.*
(1) No vehicle which has a gross weight, including vehicle and load, in excess of 10 tons, shall be operated or moved upon the road between the north and northeast entrances of the park.

(2) No two axle vehicle which has a gross weight, including vehicle and load, in excess of 12 tons, and no vehicle having three or more axles which has a gross

weight, including vehicle and load, in excess of 15 tons, shall be operated or moved upon any park road.

(3) No vehicle shall be operated or moved upon any park road when the total outside width and length, including the load thereon, exceeds 8 feet in width and 33 feet in length for a single vehicle, or 60 feet in length for a combination of vehicles, or when the total height of a vehicle, including the load thereon, exceeds 12 feet 6 inches.

(f) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) In all areas which are so posted, 25 miles per hour.

(2) On the Norris Junction-Canyon Junction road, 30 miles per hour.

(3) All trucks of 1½ tons capacity or over, 30 miles per hour.

(4) Cars towing trailers or other cars or vehicles of any kind, 30 miles per hour.

(5) Passenger cars and trucks of less than 1½ tons capacity, 45 miles per hour on straight and open stretches.

(g) *Trucking.* The park superintendent may issue permits for the use of park roads for trucking, for which fees shall be charged as follows:

Emergency trucking between any two park entrances—Round trip permit fee, \$10.

Trucking between the north and northeast entrances:

Trucks with a capacity of ¾ ton, but with a capacity of not more than 1½ tons—Yearly permit fee, \$20.

Trucks with a capacity of more than 1½ tons—Yearly permit fee, \$40.

(h) *Boats.* (1) No privately owned boat over 30 feet in length, and no sailboat of any character, shall be placed or operated upon the waters of the park.

(2) All privately owned boats shall be removed from the park during the period from November 1 to April 30, inclusive.

(3) The operation of boats in such a manner as to endanger life or property is prohibited.

(4) All boat engines shall be equipped with an underwater exhaust or other muffling device sufficient to prevent excessive noise.

(5) All boats operating between sunset and sunrise shall exhibit a bright white light visible all around the horizon.

(6) No bottles, cans, rubbish, or refuse of any kind, including wastes from chemical toilets, shall be thrown from boats into park waters, or from docks along the shore, or otherwise placed in the waters of the park. Water closets, lavatories, drains, sinks, and other devices which discharge directly into the water shall be sealed in such a manner as to prevent their use.

(7) The landing of boats on either of the islands designated as "Molly Islands" in Yellowstone Lake, or the disturbance in any manner of the birds inhabiting the same or nesting thereon, is prohibited, except upon written permission of the superintendent.

§ 20.14 *Great Smoky Mountain National Park—*(a) *Fishing; open and closed waters.* All park waters are open to fishing except the following:

(1) *North Carolina.*

Lands Creek.
Mingus Creek.
Chestnut Branch.
That part of Raven Fork and all tributaries thereof lying upstream from the Cherokee Indian Reservation boundary at Big Cove.

(2) *Tennessee.*

All waters of the Middle Prong of Little Pigeon River above the mouth of Ramsey Prong except waters of Ramsey Prong.

(b) *Fishing; open season.* Fishing is permitted from May 16 to August 31, inclusive, from sunrise to sunset only.

(c) *Fishing; restrictions as to use of bait.* Fishing is permitted with any artificial flies or lures with one hook. The use of natural bait is also permitted with the exception of minnows or other bait fish, either alive or dead.

(d) *Fishing; size limits.* There is no size limit on either trout or bass but any small fish returned to the water should be carefully removed from the hook with moist hands to prevent their injury.

(e) *Fishing; limit of catch and in possession.* The maximum catch in any one day, and the maximum number of trout in possession shall be ten. Maximum catch in one day and maximum number of bass in possession shall be eight. Maximum creels of trout and bass together shall not exceed ten fish in one day or ten fish in possession at any time. There is no creel limit on other species.

(f) *Fishing; license.* The park as such makes no charge for fishing, but persons fishing within the park must first procure the resident or non-resident State license issued and required by Tennessee, or the resident or non-resident State or County license or permit issued and required by North Carolina, depending upon the section of the park being fished.

(g) *Fires.* The lighting of fires for any purpose on or along park roads, except at designated camp grounds and picnic areas, is prohibited.

(h) *Camping.* (1) Camping within one-eighth mile of any open public road, except at designated public camp or picnic grounds, is prohibited.

(2) Camping within one-half mile of the tower on Clingmans Dome is prohibited.

(3) Camping or trespassing on the watershed of any stream furnishing domestic water supply is prohibited.

(i) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 35 miles per hour on highways. On secondary roads, posted as such, speed is limited to 20 miles per hour on straight sections, and 15 miles per hour on curves.

(j) *Passenger trucks.* Trucks used for hauling passengers over park roads shall be provided with sufficient seats to accommodate all passengers, who shall remain seated while trucks are in motion.

§ 20.15 *Shenandoah National Park—*
(a) *Fishing; closed waters.* (1) All waters in Shenandoah National Park are open to trout fishing.

(2) Fishing for all other types of fish in the waters of the Park is prohibited.

(b) *Fishing season, etc.* In the Conway River, the Rapidan River, and the

north and south forks of the Moormans River, fishing is permitted in conformity with the laws and regulations of the State of Virginia. In all other open waters, fishing is permitted under the following conditions:

(1) Fishing season: April 20 to July 10, inclusive.

(2) Hours: From sunrise to sunset.

(3) Size limit: Fish under 7 inches in length shall not be retained unless seriously injured in catching.

(4) Limit of catch: 10 fish per person per day. All undersized fish not seriously injured in catching shall be immediately and carefully returned to the water. All undersized fish which are seriously injured in catching shall be retained and shall constitute a part of the catch.

(5) Bait: Only artificial lures shall be used, such as artificial flies or bugs. No spinner or other lure with more than one hook is permitted.

(c) *Fishing license.* The park as such does not charge for fishing, but persons fishing in the park must first procure State fishing licenses issued by the State of Virginia.

§ 20.16 *Yosemite National Park—(a) Fishing.* (1) Open season: May 30 to October 15, inclusive.

(2) Open and closed waters: The waters of Lake Eleanor and its tributaries for a distance of 1 mile from the lakes are closed to fishing. All other lakes and streams are open to fishing.

(3) Limit of catch: The number of fish that may be taken by any one person in any one day shall not exceed ten fish, or ten pounds and one fish, and the weekly limit shall not exceed two daily limits, or twenty fish per week per person. Possession of more than one day's catch limit by any person at any one time is prohibited.

(b) *Entrance roads.* Automobiles, trucks, and other vehicles permitted in the park may enter and leave by the several entrances and travel upon the roads only during the hours and at the times and upon the conditions specified in the following schedules, except that during construction activities or other emergencies the superintendent shall prescribe such hours as in his judgment are necessary for the protection of the public:

(1) All-Year Highway: Entrance at Arch Rock open from 5:00 a. m. to 12:00 midnight every day of the year.

(2) Wawona Road: South entrance open from 6:00 a. m. to 12:00 midnight between May 29 and September 15, inclusive; during the remainder of the year from 6:00 a. m. to 10:00 p. m. Sunday to Thursday, inclusive, and from 6:00 a. m. to 11:00 p. m. Friday and Saturday. (Travel season: Entire year, except during periods of heavy snow.)

(3) Chowchilla Mountain Road: Chowchilla Mountain entrance open from 6:00 a. m. to 9:30 p. m. (Travel season: May to about October 15.)

(4) Big Oak Flat Road: Big Oak Flat Road entrance open from 6:00 a. m. to 12:00 midnight from May 29 to September 15, inclusive. During the remainder of the year, the road is open from 6:00 a. m. to 10:00 p. m. (Travel season: About May 1 to November 1.)

(5) Old Big Oak Flat Road: Down travel only will be permitted on the approximately 4 miles of narrow one-way road from the summit of the grade near Cascade Creek to the floor of Yosemite Valley. No automobiles with trailers, trucks, or semi-trailers, except ambulances and Government vehicles on emergency or maintenance trips will be permitted on this one-way section of the Old Big Oak Flat Road. One-way traffic control may be maintained on this one-way section of road so as to permit traffic in both directions at intervals when necessary due to construction activities or other emergencies.

(6) Coulterville Road: Merced Grove entrance open from 6:00 a. m. to 9:30 p. m. One-way traffic control may be maintained on the narrow grade between the floor of Yosemite Valley and the summit of the grade near Big Meadows.

(7) Tioga Road: Tioga Pass entrance open from 6:00 a. m. to 12:00 midnight between date of road opening and September 15, inclusive. During the remainder of the year, the road is open from 6:00 a. m. to 10:00 p. m. (Travel season: In normal years, latter part of June to October 15.)

(8) Old Tioga Road: Aspen Valley entrance open from 6:00 a. m. to 9:30 p. m. (Travel season: About July 1 to October 15.)

(9) Road to Hetch Hetchy Dam: Mather Ranger Station entrance open from 6:00 a. m. to 9:30 p. m. (Travel season: About May 1 to October 15.)

(10) Approximate dates: Where approximate dates only are given, weather and other conditions obtaining will govern and signs will be posted accordingly.

(c) *Closed roads.* (1) The road between Hetch Hetchy Dam and Lake Eleanor is closed to all motor vehicle travel except vehicles belonging to the United States Government, the State of California, or the City of San Francisco, California.

(2) The access road, approximately eight-tenths of a mile in length, between the new Big Oak Flat Road and the summit of the Coulterville Road grade near Big Meadows, is closed to all motor vehicle travel except vehicles belonging to the United States Government and other vehicles used in connection with the administration, protection, and maintenance of the park.

(3) No motor trucks will be permitted on the Tioga Road except those used in connection with the activities of the United States Government, the State of California, or agencies operating under contract or agreement with the United States Government to render service to the public in the park, or trucks delivering supplies, materials, etc., to the United States Government, the State of California, or contractors or permittees in the park.

(d) *Speed.* Speed of automobiles and other vehicles, except ambulances, physicians' cars, and Government vehicles on emergency trips, is limited to 25 miles per hour on the Tioga Road between McSwain Meadows and Cathedral Creek.

(e) *Camping.* Quiet shall be maintained at all camps between 10:00 p. m. and 6:00 a. m.

§ 20.17 *Platt National Park—(a) Use of park waters.* The superintendent may, whenever it becomes necessary to do so, restrict the use of the waters of any of the springs to immediate drinking purposes at such springs.

§ 20.18 *Hot Springs National Park—(a) Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 15 miles per hour on all roads in the campground area.

(b) *Use of water.* The taking or carrying away of hot springs water from any of the springs, fountains, or other sources of supply, for the purpose of sale, or for any use other than personal drinking, is prohibited.

§ 20.19 *Morristown National Historical Park—(a) Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 30 miles per hour on straight stretches, and to 15 miles per hour on curves.

§ 20.20 *Moores Creek National Military Park—(a) Visiting hours.* The park shall remain open to visitors from 7:00 a. m. to 6:00 p. m. between May 1 and September 30, and from 7:00 a. m. to 5:00 p. m. between October 1 and April 30: *Provided*, That the superintendent may open the park at such other times as may be deemed expedient for the convenience of the public: *Provided further*, That the superintendent may close the park to all visitors when, in his judgment, such action is necessary for the protection of the park or the public.

§ 20.21 *Guilford Courthouse National Military Park—(a) Travel on roads.* Travel on roads within the park is limited to passenger carrying vehicles, except:

(1) Vehicles belonging to the United States Government, the State of North Carolina, the County of Guilford, North Carolina, or the City of Greensboro, North Carolina.

(2) Privately owned vehicles temporarily engaged under contract with an agency enumerated in subparagraph (1) of this paragraph.

(3) Privately owned vehicles engaged wholly in hauling or trucking to or from property in the vicinity of the park, where the use of the park roads is necessary as a means of ingress to or egress from a public road.

(b) *Prohibited devices.* The operation or movement upon any road of any vehicle fitted with flanges, ribs, clamps, cleats, lugs, spikes, or any device which may tend to damage the roadway, is prohibited.

(c) *Load and vehicle weight limitations.* No vehicle equipped with pneumatic tires shall be operated or moved upon any road which has:

(1) A total weight, including vehicle and load, in excess of twelve thousand (12,000) pounds.

(2) A total weight, including vehicle and load, in excess of six thousand (6,000) pounds on any one axle, or in excess of three thousand (3,000) pounds on any one wheel.

(3) For vehicles equipped with solid rubber tires, the maximum weight, in-

cluding vehicle and load, shall not exceed seventy-five (75%) per cent of the maximum weights prescribed in subparagraphs (1) and (2) of this paragraph.

(4) For vehicles equipped with tires made in whole or in part of metal, the total weight, including vehicle and load, shall not exceed four hundred (400) pounds per inch of tire width.

(5) The provisions of this paragraph shall not apply to traction engines or tractors the propulsive power of which is exerted by means of a flexible band or chain known as a movable track, when the portions of the movable track in contact with the surface of the roadway present plain surfaces.

(d) *Speed.* The speed of automobiles and other vehicles, except Government cars and ambulances on emergency trips, is limited to 30 miles per hour on all roads.

(e) *Exception.* The regulations in this section shall not apply to traffic on U. S. Highway No. 220.

§ 20.22 *Grand Teton National Park—*(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour on primary roads, and to 15 miles per hour in campground areas.

(b) *Fishing.* (1) The limit of catch per person per day is six fish. Possession of more than two days' catch by any person at any one time shall be construed as a violation of this section.

(2) The use of fish eggs or fish for bait is prohibited.

(3) The open season for fishing shall conform to the open season established by the State of Wyoming for Teton County, except that all lakes except Jenny Lake will be open from April 1 through October 15. Jenny Lake will be open April 1 through September 14.

§ 20.23 *George Washington Birthplace National Monument—*(a) *Travel on roads.* The following roads are open to travel during daylight hours only:

(1) The road from the Monument Circle and including the Mansion Grounds and utility area;

(2) The Duck Hall Loop Road, except to patrons of the Log House Tea Room and the Picnic Grounds;

(3) The parking loops at the Burial Grounds and River Shore.

§ 20.24 *Catoctin Recreational Demonstration Area—*(a) *Fishing.* (1) Persons desiring to fish in the waters lying within the boundaries of the Catoctin Recreational Demonstration Area in Frederick County, Maryland, must first procure an anglers license as required by the laws of the State of Maryland.

(2) Little Hunting Creek is closed to fishing. All other waters are open to fishing.

(3) The open season for fishing shall be from April 15 to July 15, inclusive. Fishing is permitted only between the hours of 5:30 a. m. and 8:00 p. m.

(4) Fishing with other than artificial flies is prohibited in or on all waters except Owens Creek.

(5) The catch or creel limit of trout shall be five fish per person per day,

all of which must be legal length in conformance with the laws of the State of Maryland.

§ 20.25 *Hawaii National Park—*(a) *Speed.* The speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) On the Mamalahoa Highway, 25 miles per hour, where signs are posted giving notice of such limit.

(2) On the Haleakala Road, 30 miles per hour, except that speed is limited to 15 miles per hour on all curves.

(3) On the Headquarters Area, Residence Area, and Utility Area roads, Kilauea Section, 15 miles per hour.

(4) Vehicles of one and one-half tons capacity, or over, and all cars towing trailers, or other vehicles of any kind, on all park roads, 25 miles per hour, except where a lower limit is prescribed.

(5) In emergencies, the Superintendent may temporarily establish such speed limits as, in his judgment, the emergency warrants by the posting of signs on the road, roads, or sections thereof, affected.

(b) *Size and weight limits for vehicles.*

(1) No vehicle shall be operated upon any park road when the outside dimensions of such vehicle, including the load thereon, shall exceed eight feet in width and thirty feet in length for a single vehicle, or eight feet in width and sixty feet in length for a combination of vehicles. In emergencies, vehicles exceeding the foregoing measurements may be operated on the park roads with written permission from the Superintendent.

(2) No truck of one and one-half tons capacity, or over, shall be operated on the Hilo cut-off road, or on the section of the Kilauea Crater Rim road between the Headquarters area and the Chain of Craters road junction unless permission in writing has first been secured from the Superintendent.

(c) *Camping.* Camping is prohibited in the Haleakala Section unless a permit is first secured from the ranger in charge of this section of the park.

(d) *Fishing.* Fishing or the gathering of sea food of any kind along the shore line of the park is prohibited unless a permit has first been secured from the Superintendent. This prohibition shall not apply to native Hawaiian residents of the area added to the park pursuant to the act of June 20, 1938 (52 Stat. 781; 16 U. S. C. 396a), or of adjacent villages or to visitors under their guidance, when fishing or gathering sea food along the shore line of such area.

(e) *Bicycles.* (1) Bicycle riders shall keep well to the right on all roads.

(2) The riding of bicycles, except tandem bicycles, by more than one person is prohibited.

(3) Towing of any kind by a bicycle is prohibited.

(4) Bicycles shall not be ridden abreast of one another, except on straight stretches of road where there is clear visibility ahead and to the rear for at least 300 feet.

(5) The use of bicycles not equipped with coaster brakes is prohibited.

(6) Bicycle riders shall keep their feet on the pedals at all times while the vehicle is in motion.

(7) The riding of bicycles on trails is prohibited.

(8) Bicycle riders shall operate their vehicles so as to have complete control over the vehicle at all times. Care must be exercised to avoid collision with other vehicles, horseback riders, pack trains, cattle or horses being driven across park lands, and pedestrians.

(f) *Picnicking.* Picnicking or the eating of meals of any kind is prohibited in Kipuka Puauulu and the area adjacent to Thurston Lava Tube. Persons desiring to picnic or eat meals of any kind at places other than the designated picnic or camp grounds must first secure a permit from the Superintendent.

§ 20.26 *Chickamauga and Chattanooga National Military Park—*(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour on the section of the Lafayette Road between the State line at Rossville and the northern boundary of Chickamauga Park.

§ 20.27 *Fort Jefferson National Monument—*(a) *Fishing.* (1) No coral, shells, sea fans, or other forms of marine life found in the water, whether alive or dead, except fish, crayfish, and the common species of conch known as giant stromb (*Strombus gigas*), shall be taken or disturbed. Dead shells found about the low tide line on Loggerhead Key and Garden Key may be taken by visitors. Dead shells found above the low tide line on other keys shall not be taken without a permit from the Custodian. Dead shells occupied by hermit crabs shall not be taken or disturbed.

(2) Sea turtles, or the eggs thereof, whether on land or in the water, shall not be taken or disturbed.

(3) (i) Salt water crayfish (*Panulirus argus*), known locally as "crawfish", "Florida Lobster", or "Caribbean Spiny Lobster", shall not be caught or taken between March 21 and July 21, inclusive.

(ii) Salt water crayfish caught or taken measuring less than 12 inches from tip of head to tip of tail, exclusive of "feelers", shall be immediately returned to the water alive unless seriously injured. Those retained because seriously injured shall be counted in the day's catch and shall be surrendered to the superintendent or his representative.

(4) The limit per person per day is 2 crayfish, including those retained because seriously injured, except that the total for any vessel having more than 12 persons aboard shall not exceed twenty-five.

(5) The taking or catching of crayfish for commercial purposes is prohibited.

(6) No conchs known as the giant stromb (*Strombus gigas*) shall be caught or taken except for food or for bait. The shells of conchs caught or taken for such purposes may be retained for non-commercial purposes.

(7) The limit per person per day is 2 conchs, except that the total for any vessel having more than 12 persons aboard shall not exceed twenty-five.

(8) Commercial fishing is permitted with drop lines, except within one-half mile of Garden Key, Bush Key, or Long Key, in conformity with the laws and regulations of the State of Florida.

(9) Nets may be used for collecting bait for commercial or sport fishing. Possession at any time of more than one day's supply of bait so taken is prohibited. No bait shall be taken for the purpose of sale.

(10) No underwater marine life shall be disturbed or taken from the moat or from the shoal waters surrounding Garden Key or Bush Key, or from the shoal waters of Long Key north of the 5-foot channel, where depths of water at mean low tide are less than 15 feet. The possession of fishing tackle, nets, spears, or gigs within such areas shall be prima facie evidence that the person or persons possessing the same are guilty of unlawful fishing in such waters: *Provided*, That the provisions of this paragraph shall not be construed to prohibit sport fishing in the deep water channels or from any pier within the area.

§ 20.28 *Olympic National Park*—(a) *Fishing; open season.* Fishing is permitted in open streams from the fourth Sunday in May to October 31, inclusive, and in open lakes from July 4 to October 31, inclusive, subject to the following exceptions and restrictions:

(1) Lake Crescent, Lake Mills, and Irely Lake are open to fishing from the third Sunday in April to October 31, inclusive.

(2) The following streams are open to fishing for steelheads only from December 1 to March 15, inclusive; all tributaries thereof are closed, except as otherwise indicated:

Bogachiel River.
Calawah River.
Dosewallips River to Falls.
Hoh River.
Queets River.
Quinault River, including the North and East Forks.
Soleduck River.

(3) Fishing is prohibited from one hour after sunset until sunrise.

(b) *Fishing; closed waters.* The following waters and their tributaries are closed to fishing:

Cat Creek.
Entire watershed of Morse Creek, except Lake Angeles and P. J. Lake.
All lake waters within 300 feet of the outlet or inlet of closed streams.

(c) *Fishing; size limits.* Steelheads less than 16 inches in length and fish of any other species less than 6 inches in length, when caught, shall be released by carefully handling with moist hands, or by cutting the leader, and returned at once to the water.

(d) *Fishing; limit of catch and in possession.* (1) The limit of catch per person per day shall be 10 fish, or 10 pounds of fish and 1 fish, except that between December 1 and March 15, inclusive, the limit of catch of steelheads shall be 3 fish per person per day or 6 fish per week.

(2) All fish of legal size shall be retained as part of the day's catch.

(3) Possession of more than 1 day's catch limit by any person at any one time is prohibited.

(e) *Fishing; bait.* (1) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like attractions, and with more than one transparent or black rudder, and more than three (3) hooks attached to such line, gear, or tackle, is prohibited.

(2) The placing or depositing of fish eggs, fish roe, food, or other substance in any waters for the purpose of attracting, collecting, or feeding fish, is prohibited.

(f) *Fishing; pollution of waters.* The cleaning of fish in lakes or streams, or the depositing of fish entrails, heads, gills, or other refuse in any lake or stream, is prohibited.

(g) *Fishing; license.* No license or permit is required for fishing in any waters of the park.

§ 20.29 *Bandelier National Monument*—(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 15 miles per hour in campgrounds and Headquarters area.

§ 20.30 *Salem Maritime National Historic Site*—(a) *Wharfage fees.* (1) Fees for use of the Government-owned wharf by any privately-owned craft shall be charged as follows:

	1 week	1 month
Craft with an over-all length of 15 feet and not more than 25 feet.....	\$1.00	\$2.50
Craft with an over-all length of more than 25 feet and not more than 50 feet.....	1.50	3.75
Craft with an over-all length of more than 50 feet.....	2.00	5.00

(2) No fee will be charged for the first 2 consecutive days of wharfage in any 7-day period, but any wharfage in excess of the first 2 consecutive days in any 7-day period will be charged for at the weekly rate.

§ 20.31 *Vanderbilt Mansion National Historic Site*—(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 15 miles per hour on all roads.

(b) *Admission to mansion.* No person or persons will be permitted to enter the mansion unless accompanied by National Park Service employees.

(c) *Fishing.* Fishing is prohibited.

(d) *Picnicking.* Picnicking is prohibited.

§ 20.32 *Ocmulgee National Monument*—(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour.

§ 20.33 *Statue of Liberty National Monument*—(a) *Checking parcels and baggage.* All parcels and bags, other than purses, brought within the Statue of Liberty National Monument shall be checked before the person or persons carrying such articles will be permitted to enter the statue: *Provided*, That this requirement may be waived by the monument superintendent or his representative in the case of bags or parcels which are voluntarily submitted for inspection of their contents.

§ 20.34 *Blue Ridge Parkway*—(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 40 miles per hour.

(b) *Fishing; open season.* (1) The open season for fishing in the streams within the boundaries of the Parkway, listed in this section, shall be the same as that prescribed for the State within which the stream lies. Fishing is permitted only between sunrise and sunset of the same day.

(2) The following streams within the Parkway are open to fishing during the said open season:

Little Stoney Creek within the Peaks of Otter Area.
Rock Castle Creek and Little Rock Castle Creek within the Rocky Knob Area.
Gulley Creek within the Cumberland Knob Area.
Basin Creek and Cove Creek within the Bluffs Area.
Camp Creek within Section 2-J and Linville Area.
Crabtree Creek within Crabtree Area.

(3) The catch or creel limit of all fish allowed per person per day, as well as the legal length of such fish, shall be in conformance with the laws of the State within which the fish are caught.

(c) *Fishing license.* The Parkway as such does not charge for fishing, but persons desiring to fish in the streams within the boundaries of the Parkway must first obtain a proper license therefor as required by the laws of the State wherein the stream in which they desire to fish is located.

§ 20.35 *Gettysburg National Military Park*—(a) *Speed.* Speed of vehicles is limited to 25 miles per hour.

§ 20.36 *Mammoth Cave National Park*—(a) *Fishing; open season.* Fishing is permitted during the open season established for adjacent waters under the jurisdiction of the State of Kentucky.

(b) *Fishing; size limit.* Crappie under 8 inches in length, jack salmon or wall-eyed pike under 13 inches in length, channel or fiddler cat under 14 inches in length, sand pike or sauger under 13 inches in length, and all species of bass under 11 inches in length, shall not be retained unless seriously injured in catching.

(c) *Fishing; use of seines.* Seines which do not exceed 6 feet in length and 4 feet in width or height, with mesh not larger than 1/4 inch, may be used in the following runs and creeks for procuring minnows and crawfish for bait, except that minnows and crawfish shall not be taken or caught for commercial purposes: Bylew, First, Second, Pine, Buffalo, Big Hollow, Ugly, Cub, Blowing Spring, Flating Mill, Dry Branch, and Mill Branch. As used in this paragraph, the term "minnows" means any fish less than 6 inches in length except those species of fish enumerated in paragraph (b) of this section.

§ 20.37 *Timpanogos Cave National Monument*—(a) *Speed.* Speed of vehicles is limited to 25 miles per hour.

§ 20.38 *Isle Royale National Park*—(a) *Sport fishing.* (1) The open seasons for fishing shall be as follows:

Brook trout, rainbow trout, brown trout, and steelheads, last Saturday in April to Labor Day, inclusive.

Lake trout (Mackinaw trout), (all inland lakes and streams), last Saturday in April to Labor Day, inclusive.

Muskellunge, northern pike, walleyed pike, and yellow perch, last Saturday in April to Labor Day, inclusive.

(2) The maximum catch per person per day shall be as follows:

Brook trout, rainbow trout, brown trout, and steelheads, a combined total of 15 fish, or 10 pounds of fish and 1 fish.

Lake trout (Mackinaw trout), 25 pounds of fish and 1 fish.

Northern pike, walleyed pike, and muskellunge, 5 fish of either species.

Yellow perch, 25 fish.

(3) The possession of more than one day's catch by any person at any one time is prohibited.

(4) The number of fish in possession shall not exceed the maximum catch per person per day as indicated herein.

(5) Fish of the following sizes shall not be retained but shall be carefully handled with moist hands and returned at once to the water:

Brook trout, rainbow trout, brown trout and steelheads under 7 inches in length.

Northern pike and walleyed pike under 14 inches in length.

Yellow perch under 6 inches in length.

Muskellunge under 30 inches in length.

§ 20.39 Mesa Verde National Park—

(a) *Hospital charges.* Charges for services at the Aileen Nusbbaum Hospitr are as follows:

(1) Hospitalization:

Ward bed and general nursing, including ordinary drugs or small dressings, per day----- \$3.00

Obstetrical cases:

Supplies, anesthetics, etc., for delivery----- 10.00

Sterile supplies for 10-day care----- 5.00

Hospitalization for mother, per day----- 3.00

Hospitalization for infant, per day----- 1.00

(2) Laboratory:

Urinalysis, chemical only----- 1.00

Urinalysis, microscopic only----- 1.00

White blood count----- 1.00

Red blood count----- 1.00

Hemoglobin----- 1.00

Differential----- 2.00

Complete count with differential----- 4.00

(3) The charges in subparagraphs (1) and (2) of this paragraph are subject to the following discounts:

Employees of the National Park Service and dependent members of their families, 66½ percent discount. No charge will be made for the first 24 hours of hospitalization.

Residents of the park not employed by the National Park Service, 33½ percent discount. No charge will be made for the first 24 hours of hospitalization.

Minor dispensary service will be given to all residents of the park without charge.

(b) Hospital charges do not include meals or the services of a physician, which must be arranged for by patients at their own expense.

(c) Patients requiring greater care or service than normally furnished at the hospital must employ a special nurse or attendant.

(d) Patients requiring hospitalization in excess of 72 hours must arrange for their transfer to another hospital. The park superintendent may waive this re-

quirement in his discretion, or when the physical condition of the patient renders it necessary.

(e) Residence calls will be made by the nurse only when the condition of hospitalized patients permit her absence from the hospital.

§ 20.40 Hopewell Village National Historic Site—(a) *Fishing.* (1) Fishing between sunset and sunrise is prohibited.

(2) Fishing from boats is prohibited.

§ 20.41 Big Bend National Park—(a) *Fishing; closed waters.* All springs and ponds, and all waters within Santa Elena, Mariscal, and Boquillas Canyons, are closed to fishing.

(b) *Fishing; method.* (1) Fishing with rod and line, or with set lines, is permitted. Each person fishing may use two set lines with not more than two hooks attached to each such line.

(2) Fishing with trotlines is prohibited.

(3) Fishing from boats is prohibited.

(c) *Fishing; limit of catch.* The limit of catch per person per day shall be 20 pounds of fish and 1 fish.

§ 20.42 Pipestone National Monument. (a) Indians desiring to quarry or work red pipestone shall first secure permits from the Director, which shall be issued without charge and shall be valid only during the calendar year in which they are issued. Applications for such permits may be addressed to the Director through the superintendent. The Director may limit the number of permits in operation at any one time consistent with the area available for camp sites and in the interest of conserving the pipestone.

(b) All red pipestone quarried shall be used by the Indians for the purpose of making pipes or other articles or trinkets associated with Indian folklore and legend. No unworked stone shall be sold.

(c) Pipestone, which is uncovered and exposed to the air, shall be removed and worked, or covered in such a manner as to prevent hardening or deterioration.

(d) Quarrying shall be done by hand methods, preferably with tools characteristic of those used by the "Early American Indian."

(e) The abodes of Indians living on the Monument during quarrying or working operations shall be located on sites selected by the superintendent and such abodes shall be kept clean and sanitary.

§ 20.43 Natchez Trace Parkway—(a) *Animal-drawn vehicles.* No animal-drawn vehicles, sleds, drags, or implements which are not connected with the construction or maintenance of the Parkway shall be permitted on the main Parkway roads.

(b) *Animals.* No animal or animals which are not connected with the construction, operation, or maintenance of the Parkway shall be ridden, led, or driven upon or along the main Parkway roads.

PART 22—GLACIER NATIONAL PARK; TIMBER DISPOSAL REGULATIONS

Sec.

22.1 Disposal of fuel wood, forest products; cutting of timber.

Sec.

22.2 Deadwood operations.

22.3 Brush disposal.

22.4 Minimum price list for poles, posts, lumber, etc., cut from dead or down timber in Glacier National Park.

22.5 Concessioners.

AUTHORITY: §§ 22.1 to 22.5 issued under sec. 2, 36 Stat. 354, sec. 3, 39 Stat. 1122; 16 U. S. C. 162, 167.

§ 22.1 *Disposal of fuel wood, forest products; cutting of timber.* The disposal of fuel wood, poles, and other forest products in Glacier National Park by sale to individuals is permitted only where such disposal will be of benefit to the stand of timber through the reduction of existing fire hazards. In no instance will the cutting of green timber be permitted for use by the public excepting on road right-of-way clearing projects where such timber may be made available.

§ 22.2 *Deadwood operations.* (a) All deadwood permits shall be issued and approved in writing through the superintendent's office prior to the initiation of any cutting activities. Application for such permits should be made to the district rangers.

(b) All wood cut shall be utilized to a 4-inch diameter unless rotten. All butt logs shall be utilized by the permittee regardless of size.

(c) Stump heights shall not exceed 12 inches on any side for trees 12 inches and over in diameter. The stump height shall not exceed the diameter of the tree for trees under 12 inches in diameter. This section applies in all instances with the exception of operations being conducted within sight of roadways, trails used by the public or fishing streams, where all stumps shall be cut even with the ground.

(d) No cutting of dead topped or other partially green trees will be permitted unless marked by the district ranger.

(e) Damage resulting to forest reproduction from deadwood operations shall be kept at a minimum. Any unnecessary damage to forest reproduction or green trees or any violation of the regulations in this part will, at the discretion of the superintendent, result in the cancellation of the permit and the forfeiture of all bonds given to guarantee the fulfillment of the contract, and all moneys theretofore paid by the permittee, as part of the purchase price or otherwise, shall be retained as liquidated damages.

(f) When products are susceptible of being classed at different prices they shall be paid for at the highest price.

(g) In every instance where trees are cut into more than one pole the butt pole shall be of the longest commercial length.

(h) When cedar trees cut for poles have butts which are not suitable for inclusion in the poles but are suitable for posts, such butt material shall be worked into posts.

(i) All cedar timber cut for shakes shall be measured in board feet, using the Scribner "Decimal C" log rule.

(j) All sawlogs will be measured in board feet, using the Scribner "Decimal C" log rule.

(k) All fuel wood will be measured in cords.

(l) Brush disposal will be made in accordance with the provisions of § 22.3.

(m) Forest material obtained on a free permit must not be sold. The permittee must sign a statement to the effect that such forest material will not be sold to anyone and that it will not be used for the construction of buildings or other improvements on privately owned lands in Glacier National Park.

(n) Free permits will be issued for deadwood included in designated clean-up and fire hazard reduction areas where such operations will not interfere with National Park Service activities and will not adversely affect the vegetation or protection of the area.

(o) Permittees are subject to charge, in accordance with the approved price lists at the time of issuance of permits, for all wood obtained outside designated clean-up and fire hazard reduction areas.

(p) All wood cutting permits may be suspended when weather conditions, such as heavy snows or the sudden occurrence of periods of fire danger, or other conditions or considerations, make wood cutting operations undesirable for the best interests of the Government.

(q) All permittees are subject to the rules and regulations governing the use of Glacier National Park.

§ 22.3 *Brush disposal.* (a) In no case will anyone attempt to burn brush without first securing a permit in writing from the district ranger in whose district the burning is to be done.

(b) All brush resulting from cutting of dead timber in green stands will be lopped and scattered so as to lie flat on the ground unless such disposal shall, in the judgment of the park officer in charge, increase the fire hazard, in which case such brush shall be piled and burned.

(c) All brush resulting from dead timber operations in old burns shall be piled and burned with care taken to avoid injury to reproduction. In some instances, upon the approval of the Chief Ranger or his representative, the disposal of such brush may be made by lopping and scattering.

(d) The piling of brush in large piles will be avoided, where possible, unless such piles are made in large openings in the forest cover.

(e) Piles to be burned in place, unless located in large openings in the forest cover, should not exceed 6 feet in diameter nor 5 feet in height. Windrow piling and burning shall be avoided and in no instance permitted without the approval of the Park Forester.

(f) Piles which are not to be burned in place shall be placed where they are readily accessible for moving.

(g) No piling shall be done on shoulders of roads or in ditches or along banks immediately adjacent to roads.

(h) All permittees will be required to furnish men to burn the brush and clean up the area at such a time as will be designated by the National Park Service.

(i) All permittees will be held accountable for their acts or the acts of their

agents where regulations are disregarded.

(j) Permits issued for either green timber or deadwood products on road right-of-way clearing shall not be subject to brush-disposal regulations.

§ 22.4 *Minimum price list for poles, posts, lumber, etc., cut from dead or down timber in Glacier National Park.*

(a) Cedar products:

Cedar poles, 25 feet or less...	½¢ per lineal ft.
Cedar poles, 30 feet or over...	1¢ per lineal ft.
Cedar posts.....	\$0.004 each.
Cedar stubs.....	1¢ per lineal ft.
Cedar shakes.....	\$2 per M. B. M.
Cedar saw timber.....	\$1 per M. B. M.

(b) Other products:

Cord wood.....	0.50¢ per cord.
Split posts (other species), 7-foot.	\$0.002 each.
Poles (other than cedar)....	¼¢ per lineal ft.
Saw timber, western white pine.	\$2 per M. B. M.
Saw timber, other species...	\$1 per M. B. M.

§ 22.5 *Concessioners.* All concessioners operating under existing agreements with the Secretary of the Interior will be subjected to the clauses covering the use of timber as provided in their respective agreements.

PART 23—LAKE MEAD RECREATIONAL AREA; OPERATION OF PRIVATELY OWNED BOATS

Sec.	
23.1	Permits; schedule of fees.
23.2	Use of mooring or landing facilities.
23.3	Installation of floats or piers.
23.4	Registration of trip.
23.5	Leaving landing during storm.
23.6	Approach to dam.
23.7	Zoned areas.
23.8	Firearms.
23.9	Intoxication, etc.
23.10	Sanitation.
23.11	Revocation of permit.
23.12	Exceptions.
23.13	Compliance with Federal laws and regulations.

AUTHORITY: §§ 23.1 to 23.13 issued under 32 Stat. 390, 39 Stat. 535, 45 Stat. 1057; 43 U. S. C. 373, 16 U. S. C. 3, 43 U. S. C. 617.

§ 23.1 *Permits; schedule of fees.* (a) No privately owned boat, raft, or other floating structure shall be placed or operated upon any waters within the Boulder Canyon Reservation without a permit from the superintendent of the Lake Mead Recreational Area. Permits good for the calendar year will be issued by the superintendent upon payment of fees according to the following schedule:

(1) Permit for rowboat or canoe not motor-powered or equipped with sails.	\$1
(2) Permit for motorboat or sailboat with an overall length of 15 feet or less.....	2
(3) Permit for motorboat or sailboat with an overall length of more than 15 feet and not more than 20 feet.....	3
(4) Permit for motorboat or sailboat with an overall length of more than 20 feet and not more than 25 feet.....	4
(5) Permit for motorboat or sailboat with an overall length of more than 25 feet.....	5
(6) Permit for houseboat, regardless of size, not motor-powered.....	5

(b) Boats equipped or operated with outboard motors shall be considered motorboats within the meaning of paragraph (a) of this section.

(c) Each permit shall be carried in the boat for which it is issued, whenever any person is aboard, and shall be exhibited upon the request of any officer or employee of the United States. A permit may be transferred with the boat for which it is issued, upon notice to the superintendent.

§ 23.2 *Use of mooring or landing facilities.* Where mooring or landing facilities are installed by the National Park Service, or by operators under contract with the Secretary of the Interior, no boats shall be moored or landed in the vicinity except at such moorings or landings. In areas where such facilities are not available, moorings or landings may be made only at places designated by the superintendent or his representative. The superintendent may designate special mooring places for houseboats, and no houseboat shall be moved from the designated mooring place without the permission of the superintendent.

§ 23.3 *Installation of floats or piers.* No landing float or pier shall be installed without a permit from the superintendent. Miners or others who desire to install such floats or piers shall make application to the superintendent, who may issue revocable permits for the installation of temporary floats or piers, without charge to holders of boat permits.

§ 23.4 *Registration of trip.* The operator of any private boat leaving the landing area for an extended trip shall register in a book provided for the purpose at the operator's landing, stating the proposed destination and intended date of return.

§ 23.5 *Leaving landing during storm.* Except in emergencies, no private boat shall be permitted to leave the landing during such times as the small craft storm warning signal is flown at the operator's landing.

§ 23.6 *Approach to dam.* No boat shall approach within 200 feet of Hoover Dam at any time.

§ 23.7 *Zoned areas.* No privately owned boat shall be operated within any water area zoned and marked as migratory bird rest areas or for related wildlife uses.

§ 23.8 *Firearms.* The carrying of firearms upon any landing or in any boat is prohibited.

§ 23.9 *Intoxication, etc.* No person who is under the influence of intoxicating liquor or narcotic drugs shall operate a boat of any kind upon the waters of the lake.

§ 23.10 *Sanitation.* (a) All doors entering toilet rooms, except in emergencies, shall be kept securely locked at all times while vessels are at the docks, and for 30 minutes before vessels enter and 30 minutes after leaving all ports of the lake.

(b) All toilet rooms shall be locked, except in emergencies, when vessels are within 5 miles of the dam and the intake of the domestic water supply at Hemenway Wash.

(c) No bottles, cans, rubbish, garbage, or refuse of any kind, including wastes from chemical toilets, shall be thrown

from vessels at any place on the lake, or from docks along the shore, or otherwise placed in the waters of the lake.

(d) All bilge waters containing oil and grease, except in emergencies, shall be disposed of on the shore.

§ 23.11 *Revocation of permit.* The violation of §§ 23.1-23.10 by the owner or operator of any boat shall be considered sufficient ground for revocation of the permit issued for such boat and the permit for any landing float or pier installed by the owner or operator. Upon revocation and notice to the permittee, such boat, landing float, or pier shall be removed from the Boulder Canyon Reservation within 48 hours after the issuance of the notice of revocation, failing which the superintendent may remove such boat at the expense of the permittee, and remove or destroy such landing float or pier.

§ 23.12 *Exceptions.* Sections 23.1 to 23.11 shall not apply to any boats operated for official use by any agency of the United States, or of the States of Arizona or Nevada.

§ 23.13 *Compliance with Federal laws and regulations.* Nothing contained in this part shall relieve any boat or the owner or operator thereof from the obligation to comply with the laws of the United States and the regulations of the Treasury Department relating to the licensing, equipment, and navigation of boats.

PART 25—NATIONAL MILITARY PARKS; LICENSED GUIDE SERVICE REGULATIONS

Sec.

- 25.1 Scope.
- 25.2 License.
- 25.3 Supervision; suspensions.
- 25.4 Schedule of rates.
- 25.5 Badges and uniforms.

AUTHORITY: §§ 25.1 to 25.5 issued under 39 Stat. 535, 47 Stat. 1420, E. O. 6166, June 10, 1933, E. O. 6228, July 28, 1933; 16 U. S. C. 3, 9a, 5 U. S. C. 132 (note).

§ 25.1 *Scope.* The regulations in this part are made, prescribed and published for the regulation and maintenance of licensed guide service at all national military parks where such service has been established, or hereafter may be authorized in the discretion of the Secretary of the Interior upon the recommendation of the Director of the National Park Service.

§ 25.2 *License.* (a) No person shall be permitted to offer his services or to act as a guide unless licensed for that purpose by the superintendent. Any person desiring to become a licensed guide shall make application to the superintendent in writing for authority to take the examination for a license as guide.

(b) Guides shall be of good character, in good physical condition, honest, intelligent, tactful, and of good repute. They must be thoroughly familiar with the history of the events which the park commemorates and with the location of all memorials. It is their duty to escort visitors to the various parts of the park and point out different historical features. The story of the guides shall be limited to the historical outlines approved by the

superintendent and shall be free from praise or censure.

(c) Examinations will be held at parks where a licensed guide service is authorized, at times to be designated by the Director of the National Park Service, for the purpose of securing a list of eligibles for such service. The examination will consist of an investigation of the character, reputation, intelligence, and ability of the applicants, and of questions designed to test their knowledge of the history of the battle, or features of historical interest, the markings of the park, the rules and regulations promulgated for the government of the park, and the regulations governing the guide service. Examination questions will be prepared under the direction of the Director of the National Park Service, who will likewise supervise the marking of examination papers and the rating of applicants.

(d) The names of applicants who successfully pass the examination will be placed on a list of eligibles and selected in accordance with their relative standing.

(e) Each person licensed to act as guide will be issued a license in the following form:

(Place)

(Date)

having successfully passed the examination prescribed for license, is hereby licensed to offer his service as a guide to visitors. This license is issued subject to the condition that the licensee shall comply with all the rules and regulations prescribed for guide service by the Secretary of the Interior and with the prescribed schedule of rates, copies of all of which have been furnished to him.

This license will be renewed at the expiration of one year from the date of issue, provided the rules above-mentioned have been fully complied with and services rendered satisfactorily.

Failure to act as guide for any period exceeding thirty days automatically suspends this license which will only be renewed upon proper application.

Superintendent

National Military Park.

(f) Before being issued a license to act as a guide, each applicant will be required to subscribe to the following agreement:

(Place)

(Date)

To Superintendent, -----
National Military Park.

For and in consideration of the issuance to me a license to act as guide, I hereby accept and agree to observe fully the following conditions:

1. To abide by and observe the laws and all rules and regulations promulgated for the government of the park and for the regulation of guide service.
2. In case of difference of opinion as to the interpretation of any law, rule, or regulation, to accept the decision of the superintendent.
3. To accord proper respect to the park rangers in their enforcement of the rules and regulations.
4. To require drivers of all vehicles, while under my conduct, to observe the park rules and regulations.
5. To be watchful to prevent damage to, or destruction of, park property or acts of vandalism affecting monuments, buildings,

fences, or natural features of the park; to report any such damage, destruction, or vandalism which I may observe to the nearest available ranger without delay, and to furnish him with all information in my possession tending to identify the offenders and assist in their apprehension and punishment.

6. To demand of visitors no more than the authorized fees for guide service and, when employed, to render service to the best of my ability.

7. To advise visitors who employ me, in advance, the length of time needed for a trip and its cost and, if visitors desire a shortened tour, to arrange for such service as may suit their convenience.

8. Not to operate any passenger vehicle, or vehicle of any kind for hire, while pursuing the vocation of guide or wearing a guide's badge or uniform.

9. In the event my license should be suspended or revoked by the superintendent, to refrain from offering my services or pursuing the vocation of guide, pending appeal to and decision of the Director of the National Park Service.

10. To return the license and official badge without delay to the superintendent should my license be revoked or suspended for more than 5 days or upon abandoning the occupation of guide for more than 30 consecutive days.

11. While wearing the badge of a guide or any uniform or part of a uniform indicating me to be a guide, I will not act as agent, solicitor, representative, or runner for any business or enterprise whatever (except in offering my services as a guide to visitors), nor solicit nor accept from any person, firm, association, or corporation any fee, commission, or gratuity for recommending their goods, wares, or services.

(Signed) -----

§ 25.3 *Supervision; suspensions.* (a) The guide service will operate under the direction of the superintendent or his designated representative. Records will be kept of the efficiency of the guides and of all matters pertaining to the service.

(b) Superintendents are authorized to suspend any guide for violation of the regulations or for conduct prejudicial to the interests of the Government. A full report of the facts attending each suspension will be made to the Director of the National Park Service. The license of a guide who has been suspended indefinitely will not be renewed without the approval of the Director of the National Park Service.

§ 25.4 *Schedule of rates.* As the conditions of each park differ with respect to the proper charge for the service rendered to the public, the schedule of rates for observance by the licensed guides at each separate park will be submitted to the Director of the National Park Service for approval. The superintendent will prepare itineraries arranged so as best to observe the different features of the battlefield and submit them with recommendations as to schedule of rates to the Director of the National Park Service for approval.

§ 25.5 *Badges and uniforms.* Licensed guides will be furnished with official badges as evidence of their authority, which shall remain the property of the Government and be returned to the superintendent upon relinquishment or revocation of the license as a guide. Where conditions warrant it and its purchase would not prove a hardship on the guides, they may be required to adopt a

standard uniform, to be procured at their own expense.

**PART 26—OLYMPIC NATIONAL PARK;
TIMBER DISPOSAL REGULATIONS**

Sec.

- 26.1 Disposal of logs, fuel wood, etc.; cutting of green timber.
- 26.2 Permits.
- 26.3 Timber disposal operations.
- 26.4 Prevention and suppression of forest fires.
- 26.5 Brush and debris disposal.
- 26.6 Minimum prices for logs, poles, etc.
- 26.7 Concessioners.

AUTHORITY: §§ 26.1 to 26.7 issued under 39 Stat. 535; 16 U. S. C. 3.

§ 26.1 *Disposal of logs, fuel wood, etc.; cutting of green timber.* The disposal of logs, fuel wood, poles, and other forest products in Olympic National Park by timber disposal permits is permitted only where such disposal will be of benefit to the forest stand through the reduction of existing fire hazards, such as are caused by dead, down, or blowdown timber. In no instance will the cutting of green timber be permitted for private use except on road right-of-way clearing projects or in blowdown clearing projects where such timber may be made available.

§ 26.2 *Permits.* (a) All timber disposal permits shall be issued and approved in writing by the superintendent's office prior to the initiation of any cutting activities. Such permits shall include a map designating the area to be cut. Application for such permits should be made to the superintendent.

(b) All timber disposal permits may be suspended when weather conditions or other considerations make timber disposal operations undesirable for the best interests of the Government.

(c) Permittees and their employees and agents shall at all times conform to all laws and regulations applicable to Olympic National Park.

§ 26.3 *Timber disposal operations.* (a) All Douglas fir, Sitka spruce, and western white pine logs are considered merchantable which are not less than 20 feet long, at least 12 inches in diameter inside bark at small end, and after deductions for visible indications of defect scale 33 1/3 percent of their gross scale.

(b) All western red cedar logs, chunks, and slabs are considered merchantable which are not less than 20 feet long; such logs to be at least 12 inches in diameter inside bark at small end and chunks and slabs to be at least 12 inches minimum end measurement, which logs, chunks, and slabs, after deductions for visible indications of defects, scale 33 1/3 percent of their gross scale in material which will make shingles of any merchantable grade.

(c) Logs of other species are considered merchantable which are not less than 20 feet long, 12 inches in diameter inside bark at small end, and scale 50 percent or more of their gross scale.

(d) All cordwood shall be utilized to a minimum diameter of 6 inches unless rotten.

(e) Stump heights under ordinary circumstances shall not exceed 24 inches on the side adjacent to the highest ground.

(f) No cutting of dead-topped or other partially green trees, except in windfalls, shall be permitted unless marked for cutting by the superintendent or his representative.

(g) Poles and piling shall be measured in lineal feet to the nearest 2-foot length.

(h) All cedar timber cut for shakes may be measured in board feet, using the Scribner "Decimal C" log rule, or may be measured by the number of shakes cut.

(i) All saw logs shall be scaled by the Scribner "Decimal C" log rule. The maximum scaling length for saw logs shall be 40 feet. Greater lengths shall be scaled as two or more logs. Eight inches shall be allowed for trimming, and on logs over 40 feet in length an additional 2 inches shall be allowed for each 10 feet in length or fraction thereof in excess of 40 feet.

(j) Fuel wood and split pulpwood shall be measured in cords.

(k) Damage resulting to forest reproduction or remaining trees shall be kept to a minimum in all timber disposal operations. Any unnecessary damage to forest reproduction, remaining timber, or other ground cover, or the violation of any provision of the regulations in this part will, at the discretion of the superintendent, result in the cancellation of the permit. In the event of cancellation of the permit, all bonds given to guarantee the fulfillment of the terms of the permit shall be forfeited, and all moneys theretofore paid by the permittee as a part of the purchase price or otherwise may be retained as liquidated damages.

§ 26.4 *Prevention and suppression of forest fires.* (a) Permittee shall independently do all in his power to prevent and suppress forest fires on the timber disposal area and its vicinity, and shall also require his employees and agents to do likewise. The permittee and his employees and agents shall, so long as the timber disposal permit remains effective, fight forest fires which may occur within the timber disposal permit area, or occur elsewhere as a result of the permittee's operations, independently or under the direction of a park officer, without recompense from the Government.

(b) During periods of fire danger, as designated by the superintendent, the permittee shall prohibit smoking and the building of fires by his employees and agents.

(c) Fire fighting tools and equipment as specified by the superintendent at the time of the issuance of the permit shall be kept in suitable caches by the permittee at points designated by the superintendent, and shall be used only for the suppression of forest fires within or threatening the timber disposal area.

§ 26.5 *Brush and debris disposal.* (a) In no case will anyone attempt to burn brush or other debris without first obtaining a permit in writing from the superintendent.

(b) All debris resulting from cutting dead timber in green stands will be lopped or scattered so as to lie flat on the ground unless such disposal will, in the judgment of the superintendent,

constitute a serious fire hazard, in which case such debris shall be piled and burned.

(c) All debris resulting from timber operations in old burns shall be piled and burned, with care taken to avoid injury to reproduction. In some instances, upon approval of the superintendent or his representative, the disposal of such debris may be made by lopping and scattering.

(d) The piling of debris in large piles shall be avoided, where possible, unless such piles are made in large openings in the forest cover.

(e) Piles of debris to be burned in place, unless located in large openings in the forest cover, shall not exceed 6 feet in diameter and 5 feet in height.

(f) Burning other than in piles may be permitted by the superintendent where, in his judgment, other methods are the most practicable.

(g) Piles which are not to be burned in place shall be placed where they are readily accessible for moving.

(h) No piling shall be done on shoulders of roads or in ditches or along banks immediately adjacent to roads.

(i) All permittees will be required to furnish men to burn brush or logging slash and clean up the area to the satisfaction of and at a time designated by the superintendent.

(j) Permits issued either for green timber or deadwood products on road rights-of-way clearing projects may, in the discretion of the superintendent, be exempted from the provisions of this section.

§ 26.6 *Minimum prices for logs, poles, etc.* (a) Saw timber:

	Per M. B. F.
Douglas fir.....	\$0.50
Sitka spruce.....	.50
Western red cedar.....	.50
Western white pine.....	.50
Western hemlock.....	.25
Silver fir.....	.25
Other species.....	.25

(b) Other products:

Douglas fir piling.....	\$0.0025 per lineal foot.
Western red cedar poles.....	\$0.0025 per lineal foot.
Western red cedar shakes.....	\$0.50 per M shake.
Fuel wood.....	\$0.25 per cord.
Split pulpwood, hemlock.....	\$0.25 per cord.
Split pulpwood, spruce.....	\$0.25 per cord.

Provided, That free permits may be issued for timber included in designated cleanup and fire hazard reduction areas where such operations will not interfere with National Park Service activities and will not adversely affect the vegetation or protection of the area. Such permittees are, however, subject to charge at double the minimum rates in effect at the time of issuance of the permits for all wood obtained outside designated cleanup and fire hazard reduction areas. Such charge will be considered as the price of the wood and also as liquidated damages.

(c) All forest products sold by the Government will be measured or scaled by a park officer or individual designated by the superintendent, either on the site of

the cutting operations or at some other point designated by the superintendent.

(d) Forest products obtained on a free permit shall not be sold. The permittee must sign a statement to the effect that such products will not be sold to anyone and will not be used for the construction of buildings or other improvements on privately owned lands in Olympic National Park.

§ 26.7 *Concessioners.* All concessioners operating under agreements with the Secretary of the Interior will be governed by the clauses covering the use of timber as provided in their respective agreements.

PART 27—MOUNT RAINIER NATIONAL PARK; TIMBER DISPOSAL REGULATIONS

Sec.

27.1 Disposal of logs, fuel wood, etc.; cutting of green timber.

27.2 Permits.

27.3 Timber disposal operations.

27.4 Prevention and suppression of forest fires.

27.5 Brush and debris disposal.

27.6 Minimum prices for logs, poles, etc.

27.7 Concessioners.

AUTHORITY: §§ 27.1 to 27.7 issued under 39 Stat. 535; 16 U. S. C. 3.

§ 27.1 *Disposal of logs, fuel wood, etc.; cutting of green timber.* The disposal of logs, fuel wood, poles, and other forest products in Mount Rainier National Park by timber disposal permits is permitted only where such disposal will be of benefit to the forest stand through reduction of existing fire hazards, such as are caused by dead, down, or blowdown timber, or where in the judgment of the superintendent the neighboring forest is endangered by tree disease or insect infestation. In no instance will the cutting of green timber be permitted for private use except on road right-of-way clearing projects or in blowdown clearing projects where such timber may be made available.

§ 27.2 *Permits.* (a) All timber disposal permits shall be issued and approved in writing by the superintendent's office prior to the initiation of any cutting activities. Such permits shall include a map designating the area to be cut. Application for such permits should be made to the superintendent.

(b) All timber disposal permits may be suspended when weather conditions or other considerations make timber disposal operations undesirable for the best interests of the Government.

(c) Permittees and their employees and agents shall at all times conform to all laws and regulations applicable to Mount Rainier National Park.

§ 27.3 *Timber disposal operations.* (a) All Douglas fir and western white pine logs are considered merchantable which are not less than 20 feet long, at least 12 inches in diameter inside bark at small end, and after deductions for visible indications of defect scale 33½ per cent of their gross scale.

(b) All western red cedar logs, chunks, and slabs are considered merchantable which are not less than 20 feet long; such logs to be at least 12 inches in diameter inside bark at small end, and chunks and slabs to be at least 12 inches minimum

end measurement, which logs, chunks, and slabs, after deductions for visible indications of defects, scale 33½ per cent of their gross scale in material which will make shingles of any merchantable grade.

(c) Logs of other species are considered merchantable which are not less than 20 feet long, 12 inches in diameter inside bark at small end, and scale 50 per cent or more of their gross scale.

(d) All cordwood shall be utilized to a minimum diameter of 6 inches unless rotten.

(e) Stump heights under ordinary circumstances shall not exceed 24 inches on the side adjacent to the highest ground.

(f) No cutting of dead-topped or other partially green trees, except in windfalls, shall be permitted unless marked for cutting by the superintendent or his representative.

(g) Poles and piling shall be measured in lineal feet to the nearest 2-foot length.

(h) All cedar timber cut for shakes may be measured in board feet, using the Scribner "Decimal C" log rule, or may be measured by the number of shakes cut.

(i) All saw logs shall be scaled by the Scribner "Decimal C" log rule. The maximum scaling length for saw logs shall be 40 feet. Greater lengths shall be scaled as two or more logs. Eight inches shall be allowed for trimming, and on logs over 40 feet in length an additional 2 inches shall be allowed for each 10 feet in length or fraction thereof in excess of 40 feet.

(j) Fuel wood and split pulpwood shall be measured in cords.

(k) Damage resulting to forest reproduction or remaining trees shall be kept to a minimum in all timber disposal operations. Any unnecessary damage to forest reproduction, remaining timber, or other ground cover, or the violation of any provision of the regulations in this part will, at the discretion of the superintendent, result in the cancellation of the permit. In the event of cancellation of the permit, all bonds given to guarantee the fulfillment of the terms of the permit shall be forfeited, and all moneys theretofore paid by the permittee as a part of the purchase price or otherwise may be retained as liquidated damages.

§ 27.4 *Prevention and suppression of forest fires.* (a) Permittee shall independently do all in his power to prevent and suppress forest fires on the timber disposal area and its vicinity, and shall also require his employees and agents to do likewise. The permittee and his employees and agents shall, so long as the timber disposal permit remains effective, fight forest fires which may occur within the timber disposal permit area, or occur elsewhere as a result of the permittee's operations, independently or under the direction of a park officer, without recompense from the Government.

(b) During periods of fire danger, as designated by the superintendent, the permittee shall prohibit smoking and the building of fires by his employees and agents.

(c) Fire fighting tools and equipment as specified by the superintendent at the time of the issuance of the permit shall be kept in suitable caches by the permittee at points designated by the superintendent, and shall be used only for the suppression of forest fires within or threatening the timber disposal area.

§ 27.5 *Brush and debris disposal.* (a) In no case will anyone attempt to burn brush or other debris without first obtaining a permit in writing from the superintendent.

(b) All debris resulting from cutting dead timber in green stands will be lopped or scattered so as to lie flat on the ground unless such disposal will, in the judgment of the superintendent, constitute a serious fire hazard, in which case such debris shall be piled and burned.

(c) All debris resulting from timber operations in old burns shall be piled and burned, with care taken to avoid injury to reproduction. In some instances, upon approval of the superintendent or his representative, the disposal of such debris may be made by lopping and scattering.

(d) The piling of debris in large piles shall be avoided, where possible, unless such piles are made in large openings in the forest cover.

(e) Piles of debris to be burned in place, unless located in large openings in the forest cover, shall not exceed 6 feet in diameter and 5 feet in height.

(f) Burning other than in piles may be permitted by the superintendent where, in his judgment, other methods are the most practicable.

(g) Piles which are not to be burned in place shall be placed where they are readily accessible for moving.

(h) No piling shall be done on shoulders of roads or in ditches or along banks immediately adjacent to roads.

(i) All permittees will be required to furnish men to burn brush or logging slash and clean up the area to the satisfaction of and at a time designated by the superintendent.

(j) Permits issued either for green timber or deadwood products on road rights-of-way clearing projects may, in the discretion of the superintendent, be exempt from the provisions of this section.

§ 27.6 *Minimum prices for logs, poles, etc.* (a) Saw timber:

	Per M. B. F.
Douglas fir	\$0.50
Western red cedar	.50
Western white pine	.50
Western hemlock	.25
Silver fir	.25
Other species	.25

(b) Other products:

Douglas fir piling	\$0.0025 per lineal foot.
Western red cedar poles	\$0.0025 per lineal foot.
Western red cedar shakes	\$0.50 per M shake.
Fuel wood	\$0.25 per cord.
Split pulpwood, hemlock	\$0.25 per cord.

Provided, That free permits may be issued for timber included in designated cleanup and fire hazard reduction areas

where such operations will not interfere with National Park Service activities and will not adversely affect the vegetation or protection of the area. Such permittees are, however, subject to charge at double the minimum rates in effect at the time of issuance of the permits for all wood obtained outside designated cleanup and fire hazard reduction areas. Such charge will be considered as the price of the wood and also as liquidated damages.

(c) All forest products sold by the Government will be measured or scaled by a park officer or individual designated by the superintendent, either on the site of the cutting operations or at some other point designated by the superintendent.

(d) Forest products obtained on a free permit shall not be sold. The permittee must sign a statement to the effect that such products will not be sold to anyone and will not be used for the construction of buildings or other improvements on privately-owned lands in Mount Rainier National Park.

§ 27.7 *Concessioners.* All concessioners operating under agreements with the Secretary of the Interior will be governed by the clauses covering the use of timber as provided in their respective agreements.

PART 32—REGULATIONS GOVERNING THE DISPOSAL OF CERTAIN WILD ANIMALS

Sec.

32.1 Animals available.

32.2 Charges.

32.3 Application; requirements.

32.4 Shipment.

AUTHORITY: §§ 32.1 to 32.4 issued under 42 Stat. 1214, 45 Stat. 1644, 52 Stat. 708; 16 U. S. C. 36, 36a, 141c.

§ 32.1 *Animals available.* From time to time there are surplus live elk, buffaloes and bears in Yellowstone National Park, and live buffaloes in Wind Cave National Park which the Secretary may, in his discretion, dispose of to Federal, State, county and municipal authorities for preserves, zoos, zoological gardens, and parks. When surplus live elk and buffaloes are available from these national parks, the Secretary may, in his discretion, dispose of these to individuals and private institutinst.

§ 32.2 *Charges.* No charge will be made for the animals, but the receiver will be required to make a deposit with the appropriate superintendent to defray the expenses of capturing, crating, and transporting them to the point of shipment. The receiver may also be required to pay for the services of a veterinarian for testing, vaccinating, and treating the animals at the park for communicable diseases and parasites. Estimates of such expenses will be furnished by the appropriate superintendent upon request.

§ 32.3 *Application; requirements.* (a) Applications for animals should be directed to the appropriate superintendent, stating the kind, number, age, and sex of animals desired. The post office address for Yellowstone National Park is Yellowstone Park, Wyoming, and for Wind Cave

National Park is Hot Springs, South Dakota.

(b) Applicants desiring animals which are to be held in enclosures must show that they have suitable facilities for the care of the animals. Operators of game farms or private preserves must submit evidence of their authority to engage in such operations.

(c) When any animals are desired for liberation on private lands, the application must be accompanied by the written concurrence of the State agency having jurisdiction over wildlife. When any animals are desired for liberation on lands in the vicinity of lands owned or controlled by the Federal Government, the application must be accompanied by the written concurrence of the agency or agencies having jurisdiction over the Federally owned or controlled lands.

(d) Applications will not be granted when the animals are to be slaughtered, or are to be released without adequate protection from premature hunting.

§ 32.4 *Shipment.* (a) Elk, buffaloes, and bears may be obtained at the park and be removed by truck. Elk and buffaloes, when not transported by truck, must be crated individually for rail shipment in less than carload lots. Bears must be crated individually regardless of the number furnished or the character of the conveyance.

(b) The receiver must furnish shipping crates constructed in accordance with National Park Service specifications.

PART 34—ISLE ROYALE NATIONAL PARK; COMMERCIAL FISHING

Sec.

34.1 Definitions.

34.2 Permits; conditions.

34.3 Maximum number of permittees.

34.4 Revocation of permits; appeal.

AUTHORITY: §§ 34.1 to 34.4 issued under 39 Stat. 535, 56 Stat. 133; 16 U. S. C. 3, 403k.

§ 34.1 *Definitions.* As used in this part:

(a) "Secretary" means the Secretary of the Interior.

(b) "Director" means the Director of the National Park Service.

(c) "Regional Director" means the Regional Director, Region Two, of the National Park Service.

(d) "Park" means Isle Royale National Park.

(e) "Permittee" includes all persons engaged in commercial fishing from bases in the Park.

§ 34.2 *Permits; conditions.* Annual, revocable special use permits authorizing the use of Government-owned structures and facilities in the Park as bases for commercial fishing in the waters contiguous to the Park may be granted by the Director of the National Park Service, or the Regional Director if authorized by the Director, to bona fide commercial fishermen, where such structures and facilities were used for this purpose during the period from April 1, 1937, to December 31, 1939, inclusive, subject to the following conditions:

(a) Permittees will be required to pay an annual fee of \$25.00, except that per-

mittees holding life leases for residence purposes only within the Park will be required to pay an annual fee of \$1.00.

(b) Permittees shall personally reside at their Park bases during the fishing season.

(c) Permittees shall secure and possess at all times such commercial fishing license as may be required by the State of Michigan.

(d) Permittees shall comply with all Michigan laws, and related regulations prescribed by the Michigan Department of Conservation, governing commercial fishing in the waters contiguous to the Park.

(e) Permittees shall use the bases covered by the permit for commercial fishing only. No permittee shall furnish boat or guide service to the public unless expressly authorized to do so by the Secretary or the Director.

(f) Permittees shall maintain at their own expense, in accordance with reasonable standards of repair, safety, and sanitation, all Government-owned structures and facilities embraced in the permits.

(g) Permittees who were engaged in commercial fishing from bases in the Park during the period from April 1, 1937 to December 31, 1939, inclusive, shall not expand their operations beyond the capacity of such operations, in number of men engaged or fishing gear in use, during that period. Permittees who were not engaged in commercial fishing from bases within the Park during the period from April 1, 1937, to December 31, 1939, inclusive, shall not expand their operations beyond the capacity of the operations conducted from such bases during this period by the predecessors of such permittees.

§ 34.3 *Maximum number of permittees.* Commercial fishermen to whom the annual revocable permits may be granted shall not exceed the maximum number of persons conducting commercial fishing operations from bases in the area comprising the Park at any one time during the period from April 1, 1937 to December 31, 1939, inclusive.

§ 34.4 *Revocation of permits; appeal.* The Director may, by notification in writing, revoke the permit of any permittee found by him to have violated any Federal statute, or the provisions of these or any other regulations of the Secretary, relating to the Park. A permittee, however, shall have the right to appeal to the Secretary from a decision of the Director revoking his permit, but such appeal shall not be entitled to review unless it is received by the Secretary within the period of 20 days following the date the Director's notification, together with a copy of the regulations in this part, is served upon the permittee by the Superintendent of the Park, or his duly authorized agent.

Issued this 23d day of December 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-11395; Filed, Dec. 29, 1948; 9:17 a. m.]

TITLE 41—PUBLIC CONTRACTS**Chapter II—Division of Public Contracts, Department of Labor****PART 200—ORGANIZATION****PART 201—GENERAL REGULATIONS****PART 202—MINIMUM WAGE DETERMINATIONS****EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION**

In order to conform Chapter II of Title 41 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER:

1. The codification of Part 200 is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. In Part 201, all notes to § 201.1 relating to orders providing exemptions from provisions of the Walsh-Healey Public Contracts Act, are revoked, excepting the note relating to the order of the Secretary of Labor, January 5, 1943 (8 F. R. 376, 41 CFR, 1943 Cum. Supp., 201.1 note) permitting the award of contracts "during the present war" for the production of training films without the inclusion of the representations and stipulations of section 1 of the act.

3. In Part 202:

a. The following sections have been superseded:

- § 202.1 *Men's work clothing.*
- § 202.7 *Work gloves.*
- § 202.12 *Barrack bags and bandoleers.*
- § 202.15 *Wool and wool-lined jackets.*
- § 202.24 *Bobbins.*

b. The following is added at the end of § 202.2 *Cotton garment and allied industries*: "(See also § 202.4 *Rainwear industry* and § 202.37 *Uniform and clothing industry*)."

c. The headnote of § 202.28 is revised to read: "Drug, medicine, and toilet preparations industry."

d. The headnote of § 202.23 is revised to read: "Aircraft manufacturing industry."

Signed at Washington, D. C., this 22d day of December 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-11307; Filed, Dec. 28, 1948; 9:02 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR**Chapter I—Bureau of Land Management, Department of the Interior**

[Circular 1712]

PART 101—GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES**TRANSMISSION OF ORIGINALS AND COPIES OF APPLICATIONS**

Section 101.19, providing that the originals and copies of all applications

to enter or select public lands outside of Alaska under the nonmineral public land laws shall be transmitted by the managers of the district land offices to the Bureau of Land Management for preliminary consideration, is hereby revoked. (R. S. 453, 2478; 43 U. S. C. 2, 1201)

MARION CLAWSON,
Director.

Approved: December 21, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-11295; Filed, Dec. 28, 1948; 9:00 a. m.]

[Circular 1713]

PART 137—CITIZENSHIP IN PUBLIC LAND CASES**VERIFICATION OF CITIZENSHIP STATUS**

Section 137.2 is amended by deleting from the last sentence thereof the following: "leaving it to the General Land Office to secure verification of the citizenship status at the proper time."

(R. S. 453, 2478; 43 U. S. C. 2, 1201)

ROSCOE E. BELL,
Associate Director.

Approved: December 21, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-11296; Filed, Dec. 28, 1948; 9:00 a. m.]

Appendix—Public Land Orders
[Public Land Order 539]**ALASKA****ORDER WITHDRAWING PUBLIC LANDS FOR THE USE OF THE BUREAU OF INDIAN AFFAIRS, FOR HOSPITAL PURPOSES**

By virtue of the authority contained in the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. sec. 303), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described public land is hereby withdrawn from sale or other disposal and reserved, subject to valid existing rights, including the rights, if any, of the public to the areas in the streets and alleys mentioned in the description, for the use of the Bureau of Indian Affairs, Department of the Interior, for hospital purposes:

Blocks 35 A, 35 B, 35 C, and 35 D, including the 20-foot alleys therein and the 60-foot streets designated as East G Street and Alder Street so far as they extend between First and Third Streets; also including Second Street between East G and East H Streets, in the East Addition to Anchorage Town Site as shown on the plat of survey accepted August 30, 1941, by the Acting Commissioner of the General Land Office:

Lots 1 and 2 of the north half of Block 36, and lots 1 to 5 inclusive of the south half of Block 36 in the East Addition to Anchorage Town Site as shown on the plat of Anchorage Town Site with South, East, and Third Additions approved December 19, 1917, by the Commissioner of the General Land Office.

Executive Order No. 2242 of August 31, 1915, reserving certain lands for town site purposes, is hereby modified to the extent necessary to permit the use of the above-described land as herein provided.

J. A. KRUG,
Secretary of the Interior.

DECEMBER 18, 1948.

[F. R. Doc. 48-11292; Filed, Dec. 28, 1948; 9:01 a. m.]

TITLE 50—WILDLIFE**Chapter I—Fish and Wildlife Service, Department of the Interior****EXPIRATION OF CODIFIED MATERIAL**

Notice is hereby given that the regulations in the following documents expire of their own limitation on or before December 31, 1948. Section numbers noted in the list below follow the codification in use prior to the reorganization of Chapter I appearing at 13 F. R. 7432.

Section and subject	Citation 13 F. R.
22.220b, Deer Flat National Wildlife Refuge, pheasant hunting-----	5813
24.666, Mud Lake National Wildlife Refuge, Minnesota; bow and arrow deer hunting-----	5862
29.572, Lostwood National Wildlife Refuge, North Dakota; hunting-----	6607
29.919a, Upper Souris National Wildlife Refuge, North Dakota; hunting-----	6633
29.573a, Lower Souris National Wildlife Refuge, North Dakota; hunting-----	6683
29.800a, Sand Lake National Wildlife Refuge, South Dakota; hunting-----	6683
29.846, Slade National Wildlife Refuge, North Dakota; hunting-----	6684
29.227a, Des Lacs National Wildlife Refuge, North Dakota; hunting-----	6706
29.28a, Arrowwood National Wildlife Refuge, North Dakota; hunting-----	6706
24.919b, Upper Mississippi River Wildlife and Fish Refuge; deer hunting-----	6814

Dated: December 20, 1948.

[SEAL] O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-11242; Filed, Dec. 28, 1948; 9:21 a. m.]

Subchapter F—Alaska Commercial Fisheries
REVISION OF REGULATIONS

Subchapter F of Chapter I, Title 50, is revised to read as follows:

- Part
- 101 Definitions.
 - 102 General provisions.
 - 103 Yukon-Kuskokwim area.
 - 104 Bristol Bay area.
 - 105 Alaska Peninsula area.
 - 106 Aleutian Islands area.
 - 107 Chignik area.
 - 108 Kodiak area.
 - 109 Cook Inlet area.
 - 110 Resurrection Bay area.
 - 111 Prince William Sound area.
 - 112 Copper River area.
 - 113 Bering River-Icy Bay area.
 - 114 Southeastern Alaska area salmon fisheries, general provisions.
 - 115 Southeastern-Alaska area fisheries other than salmon.
 - 116 Southeastern Alaska area, Yakutat District, salmon fisheries.
 - 117 Southeastern Alaska area, Icy Strait District, salmon fisheries.

- Part
- 118 Southeastern Alaska area, Western District, salmon fisheries.
- 119 Southeastern Alaska area, Eastern District, salmon fisheries.
- 120 Southeastern Alaska area, Stikine District, salmon fisheries.
- 121 Southeastern Alaska area, Sumner Strait District, salmon fisheries.
- 122 Southeastern Alaska area, Clarence Strait District, salmon fisheries.
- 123 Southeastern Alaska area, South Prince of Wales Island District, salmon fisheries.
- 124 Southeastern Alaska area, Southern District, salmon fisheries.

PART 101—DEFINITIONS

- Sec.
- 101.1 Meaning of terms.
- 101.2 Species of commercial fish.
- 101.3 Species of commercial shellfish.
- 101.4 Bona fide permanent residents or inhabitants.
- 101.5 Commercial fishing.
- 101.6 Natives and native Indians.
- 101.7 Occupation of a trap site.
- 101.8 Permit holder for trap site.
- 101.9 Personal use fishing.
- 101.10 Run.
- 101.11 Take.
- 101.12 Wanton waste.

AUTHORITY: §§ 101.1 to 101.12 issued under 44 Stat. 752; 48 U. S. C. 221.

§ 101.1 *Meaning of terms.* Terms used in Subchapter F, unless required otherwise by the context, shall be as defined in §§ 101.2 to 101.12.

§ 101.2 *Species of commercial fish.* All those fishes in both fresh and salt water not declared to be game fishes in the Alaska Game Act and which are subjected to commercial fishing and which shall include but not be limited to the following species:

Albacore (*Germo alalunga*) also known as tuna.

Cod (*Gadus macrocephalus*) also known as codfish, truecod and grey cod.

Eulachon (*Thaleichthys pacificus*) also known as smelt and hooligan.

Halibut (*Hippoglossus astenolepis*).

Herring (*Clupea pallasii*).

Lingcod (*Ophiodon elongatus*).

Rockfish (all species of genus *Sebastes*) also known as rockcod and sea bass.

Sablefish (*Anoplopoma fimbria*) also known as black cod.

Salmon, chum (*Oncorhynchus keta*) also known as dog salmon.

Salmon, coho (*Oncorhynchus kisutch*) also known as silver salmon.

Salmon, king (*Oncorhynchus tshawytscha*) also known as chinook salmon.

Salmon, pink (*Oncorhynchus gorbuscha*) also known as humpback salmon.

Salmon, red (*Oncorhynchus nerka*) also known as sockeye salmon.

Sheefish (*Stenodus mackenzii*) also known as inconnu.

Sole and Flounders (all species of family *Pleuronectidae*).

§ 101.3 *Species of commercial shellfish.* All those marine species of mollusks and crustaceans which are subjected to commercial fishing and which shall include but not be limited to the following species:

Abalone (Species of the genus *Haliotis*).

Clam, butter (*Saxidomus nuttall*).

Clam, razor (*Siliqua patula*).

Crab, Dungeness (*Cancer magister*).

Crab, king (*Paralithodes camtschatica*).

Crab, Tanner (*Chionoecetes bairdii*).

Shrimp (Species of the genera *Pandalus*, *Pandalopsis* and *Crangon*).

§ 101.4 *Bona fide permanent residents or inhabitants.* Those persons who have continuously resided within a specified area or within fifty miles thereof for a period of at least one year immediately preceding the time in question.

§ 101.5 *Commercial fishing.* The taking or attempting to take of any species of fish or shellfish for the purpose of sale or barter or for ultimate use as an integral part of any economic enterprise. The taking of fish or shellfish for use as bait in commercial fishing operations shall be regarded as commercial fishing, as shall also be the taking of fish for use as feed for fur-bearing animals.

§ 101.6 *Natives and native Indians.* Members of the aboriginal races inhabiting Alaska when annexed to the U. S., and their descendants of the whole or half blood.

§ 101.7 *Occupation of a trap site.* The care, service, and use of a trap by the permit holder, whether the trap be installed by him or another person.

§ 101.8 *Permit holder for trap site.* A person who has obtained specific permission from the War Department to occupy a given trap site.

§ 101.9 *Personal use fishing.* The taking or attempting to take of any species of fish or shellfish for ultimate consumption by the taker and his family.

§ 101.10 *Run.* Any aggregation of a single species of fish having common limiting characteristics of space or time during the course of their spawning migration.

§ 101.11 *Take.* The total aggregate catch of a single species of fish captured within specific common limits of space or time.

§ 101.12 *Wanton waste.* The causing or allowing of captured commercial fish or shellfish to become unfit for human consumption or unavailable for use or any wilful action or neglect that directly contributes toward effecting such unusable condition.

PART 102—GENERAL PROVISIONS

GENERAL

- Sec.
- 102.1 General application of regulations.
- 102.2 Regulations subject to change.
- 102.3 Imposition of additional restrictions.
- 102.4 Regulation of fishing by weir counts.
- 102.5 Extension of open and closed seasons.
- 102.6 Inspection of fishery establishments.
- 102.7 Periodic reports required of fishery operators.
- 102.8 Marking of fishing boats; annual registration.
- 102.9 Identification of stationary fishing gear.

- Sec.
- 102.10 Dynamite prohibited in taking fish.
- 102.11 Prosecution for wanton waste of fish.
- 102.12 Driving salmon downstream prohibited.
- 102.13 Standard time used in various fishing areas.
- 102.14 Stream markers.
- 102.15 Types of gear permitted, salmon fishing.
- 102.16 Operation of seines.
- 102.17 Salmon fishing boats limited to one seine.
- 102.18 Purse rings prohibited on purse seine leads.
- 102.19 Limitations on fishing gear of trolling boats.
- 102.20 Release of small king salmon taken by trolling.
- 102.21 Native fishing rights.
- 102.21a Rules of practice for hearings upon possessory claims to lands and waters used and occupied by natives of Alaska.
- 102.22 Filing of trap site locations.
- 102.23 Determination and closing of competing trap operations at single site.
- 102.24 Limitation on increases of individual trap site operations.
- 102.25 Operation of trap site by permit holder.
- 102.26 Traps must be ineffectual prior to open season.
- 102.27 Traps limited to two spillers.
- 102.28 Method of closing salmon traps.
- 102.29 Traps must be made inoperative within 24 hours after close of season.
- 102.30 Gear restrictions; trawls.

HERRING FISHERY

- 102.31 Obstructions prohibited in herring bays.
- 102.32 Disposal of herring offal.
- 102.33 Traps prohibited, herring fishing.

SHELLFISH FISHERY

- 102.34 Methods of taking clams.
- 102.35 Minimum size of clams.
- 102.36 Protection of small clams.
- 102.37 Protection of female and small male king or spider crabs.
- 102.38 Protection of female and small male Dungeness crab.
- 102.39 Taking of soft-shell crabs prohibited.

AUTHORITY: §§ 102.1 to 102.39 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

GENERAL

§ 102.1 *General application of regulations.* Each regulation herein contained is of general application within the particular area to which it applies, and no exclusive or several right of fishery is granted therein.

§ 102.2 *Regulations subject to change.* The regulations for the protection of the commercial fisheries of Alaska shall be subject to such change or revision by the Secretary of the Interior as may appear advisable from time to time.

§ 102.3 *Imposition of additional restrictions.* Any increase in the amount of fishing gear employed or any expansion of fishery operations in any district in any season shall, in the discretion of the Secretary of the Interior, result in the immediate imposition of such additional restrictions as may appear necessary.

§ 102.4 *Regulation of fishing by weir counts.* In waters where a rack or weir

is maintained by the Fish and Wildlife Service for the purpose of counting salmon ascending to the spawning grounds, records of the catch of salmon shall be furnished daily by all operators to the local representative of the Fish and Wildlife Service in charge, and upon notification by the Director of the Fish and Wildlife Service or his authorized representative that an excessive proportion of the run is being taken so that the escapement of any species is less than the 50 percent specified by the act of June 6, 1924, all commercial fishing operations shall at once be discontinued and shall not be resumed until permission therefor is granted by the Director of the Fish and Wildlife Service or his duly authorized representative. And if in any year it shall appear that the run of salmon in such waters has diminished there shall be required a correspondingly increased escapement, and upon notification by the Director of the Fish and Wildlife Service or his authorized representative all commercial fishery operations shall cease and shall not be resumed until such increased escapement has been secured. (Sec. 2, 43 Stat. 465; 48 U. S. C. 225)

§ 102.5 Extension of open and closed seasons. Whenever by reason of the continuing intensity of any run or runs of fish during the fishing season covered by the regulations in this subchapter, the shortening or reopening, for a limited time, of a closed fishing period will permit an additional take of that amount of such run or runs that is in excess of the escapements required by the act of June 6, 1924 (43 Stat. 465), then, in that event and for the sole purpose of permitting such additional take, the applicable closed fishing period shall be shortened or reopened for such limited fixed period of time as will not operate to diminish required escapements, and whenever, by reason of the diminishing intensity of any such run or runs, the lengthening of a closed fishing period will operate to insure required escapements, then, in that event, the applicable closed fishing period shall be lengthened for such fixed period of time as is necessary to permit said required escapements. The facts as to the existence of a continuing intensity of a run of fish in the waters of Alaska, and the escapement thereof, sufficient to permit of an additional take in accordance with this part, or as to the existence of a diminishing intensity requiring an additional escapement, shall be obtained and recorded by the Director of the Fish and Wildlife Service, or such other person as may be designated by the Secretary of the Interior, and in accordance therewith the limits of the period or periods during which such an additional take may be made or during which no take may be made shall be announced by him, which announcement shall be final and reasonable notice thereof shall be made public in the Territory of Alaska.

§ 102.6 Inspection of fishery establishments. For purposes of inspection, representatives of the Department shall

have at all times free and unobstructed access to all canneries, salteries, and other fishing establishments, and to all hatcheries. (Sec. 12, 34 Stat. 480; 48 U. S. C. 241)

§ 102.7 Periodic reports required of fishery operators. Every person, company, corporation, or association shall, each season, prior to engaging in canning, curing, or preserving fish or shellfish, or manufacturing fishery products, furnish to the local representative of the Fish and Wildlife Service, a statement in writing of intention to operate, together with information as to the nature, extent, and place of operation, and at the close of the season furnish an accurate statistical report supplying data called for on forms provided for that purpose. (Sec. 10, 34 Stat. 480; 48 U. S. C. 238)

§ 102.8 Marking of fishing boats; annual registration. Each fishing boat in operation, whether powered or unpowered, shall be legibly and plainly marked with the name, initials, or symbol of the person, company, or corporation owning, operating, or using same, together with a distinctive number which shall identify each particular boat, said name, initials, or symbol and number to be not less than 6 inches in length. Each season, prior to commencement of commercial fishing, the name, initials, or symbol and number of each boat shall be furnished in writing to the local representative of the Fish and Wildlife Service.

§ 102.9 Identification of stationary fishing gear. All persons, companies, or corporations owning, operating, or using any stake net, set net, trap net, pound net, or fish wheel for taking salmon or other fishes shall cause to be placed in a conspicuous place on said trap net, pound net, stake net, set net, or fish wheel the name of the person, company, or corporation owning, operating, and using same, together with a distinctive number, letter, or name which shall identify each particular stake net, set net, trap net, pound net, or fish wheel, said lettering and numbering to consist of black figures and letters, not less than 6 inches in length, painted on white background.

§ 102.10 Dynamite prohibited in taking fish. The use of dynamite or any other explosive in the taking or killing of any fish is prohibited.

§ 102.11 Prosecution for wanton waste of fish. If in the process of curing salmon bellies the remaining edible portion of the fish is not used, such action will be regarded as wanton waste within the meaning of section 8 of the act of June 26, 1906, and those who engage in this practice will be reported for prosecution as provided for in the act. (Sec. 8, 34 Stat. 480; 48 U. S. C. 236)

§ 102.12 Driving salmon downstream prohibited. The driving of salmon downstream or the causing of salmon to go outside the protected area at the mouth of any salmon stream are prohibited.

§ 102.13 Standard time used in various fishing areas. The time used in the

various areas for the enforcement of the law and regulations that specify hours and days shall be as follows:

(a) In the southeastern Alaska area: Pacific standard time.

(b) In the Bering River, Copper River, Prince William Sound, Resurrection Bay, Cook Inlet, Kodiak, Chignik, Alaska Peninsula, and Bristol Bay areas: Standard time of the one hundred and fiftieth meridian of west longitude, which is 2 hours slower than Pacific Standard time.

(c) In the Aleutian Islands and Yukon-Kuskokwim areas: Standard time of the one hundred and sixty-fifth meridian of west longitude, which is 3 hours slower than Pacific standard time.

§ 102.14 Stream markers. For the purposes of carrying out the requirements of section 3 of the act of June 6, 1924, the point of the mouth of each creek, stream, or river in Alaska has been determined to be that location heretofore established by the setting or placing of appropriate markers under the direction of the Fish and Wildlife Service, and as to each creek, stream, or river, the mouth of which has not been established through the placing of markers, or the condition of which no longer conforms to its established marking, the mouth thereof shall be along a line drawn between the extremities of its shores at mean low tide. The facts as to the location of any such line to be drawn in accordance with this part, and the facts as to the conformity of the mouth of any creek, stream, or river to its established marking, shall be obtained and recorded from time to time by the Director of the Fish and Wildlife Service, or such other person as may be designated by the Secretary of the Interior, and in accordance therewith the mouth of such creek, stream, or river shall be appropriately marked and such marking shall be final. All persons engaged in fishery operations are warned to give due regard to all markers so erected.

§ 102.15 Types of gear permitted, salmon fishing. In commercial fishing for salmon all forms of gear other than drift gill nets, stake nets, set nets, driven traps, floating traps, purse seines, beach seines, fish wheels, trolling apparatus, hand lines, rods, spears, and gaffs are prohibited at all times. The use of any other form of gear, including trammel nets, diver nets, trawls, combination nets, hammerhead traps or any modification thereof, is prohibited at all times. No gill net shall include any webbing other than a single sheet hung between cork and lead lines. No gill net shall be used in any form of seining operations.

§ 102.16 Operation of seines. The terms "operating" and "operated" as used in all sections relating to seine fishing shall include the setting, pursuing, hauling and brailing of seines, and seines shall not be operated with the gear aboard any vessel except the gear of the boat setting the seine.

§ 102.17 Salmon fishing boats limited to one seine. No salmon fishing boat shall carry or operate more than one seine of any description, and no addi-

tional net of any kind, except one lead having mesh not less than 7 inches stretched measure between knots and unhung web for mending purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited.

§ 102.18 *Purse rings prohibited on purse seine leads.* In all purse seining operations the use of leads having purse rings attached to them is prohibited.

§ 102.19 *Limitations on fishing gear of trolling boats.* Not more than four trolling lines shall be operated by any salmon trolling boat. No trolling boat shall carry or operate any seine or more than one gill net. The gill net shall be of mesh not more than 2½ inches stretched measure between knots, shall not be of greater than No. 20 gill-net thread, and shall not exceed 10 fathoms in length and 100 meshes in depth.

§ 102.20 *Release of small king salmon taken by trolling.* In commercial trolling operations no king salmon shall be taken which measures less than 26 inches from tip of snout to fork of tail, or which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive. Possession of any king salmon of less than this size will be regarded as prima facie evidence of unlawful taking.

§ 102.21 *Native fishing rights.* No trap shall be established in any site in which any Alaskan native or natives has or have any rights of fishery, by virtue of any grant or by virtue of aboriginal occupancy, by any person other than such native or natives, but this section shall not be construed as permitting any exercise of such rights contrary to any of the provisions of the regulations in this subchapter. Any native or natives claiming such rights may petition the Secretary of the Interior for a hearing with respect to the validity of such claim, and prior to any such determination such claimant and any interested parties desiring to appear in opposition to such claim shall have an opportunity to be heard.

§ 102.21a *Rules of practice for hearings upon possessory claims to lands and waters used and occupied by natives of Alaska—(a) Petition of native groups.* Petitions of native groups of Alaska concerning possessory claims to lands and waters based upon any of the foregoing statutes or upon use or occupancy maintained from aboriginal times to the present day, but not evidenced by formal patent, deed, or Executive order, shall be filed with the Secretary of the Interior on or before December 31, 1949. No petition filed thereafter will be considered by the Department. A copy of any such petition shall be forthwith transmitted to the Commissioner of Indian Affairs and the Commissioner of the General Land Office for preliminary investigations and reports, and such reports shall

be made a part of the record at the hearing.

(b) *Hearing and notice.* The Secretary of the Interior or such other presiding officer as may be designated by the Secretary of the Interior shall hold public hearings upon the possessory claims of native groups of Alaska. The Secretary will give notice of the hearings by publication of the time, place and subject matter of the hearing in the FEDERAL REGISTER. The Secretary will also cause a copy of the said notice to be mailed to the last known address of all parties who are shown by the preliminary investigations to have interests in the area concerned which may be adversely affected by the claims asserted. The hearing may be continued from time to time and adjourned to a later date or a different place without notice other than the announcement thereof by the presiding officer at the hearing.

(c) *Powers of presiding officer.* The hearing shall be conducted in an informal but an orderly manner in accordance with the rules of practice hereinafter set forth. Matters of procedure not covered by this section shall be determined by the presiding officer. He shall have power to: (1) Administer oaths; (2) rule upon motions and requests; (3) examine witnesses and receive evidence; (4) admit or exclude evidence and rule upon objections; (5) hear oral arguments and receive memoranda on facts and law in his discretion; (6) do all acts and take all measures necessary for the maintenance of order at the hearing and the official conduct of the proceeding.

At any stage of the hearing, the presiding officer may call for further evidence upon any matter. In the event that the hearing shall be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place for the taking of evidence shall be published in the FEDERAL REGISTER and sent to all parties who appeared at the hearing.

The presiding officer may take official notice of any generally recognized fact, any established technical or scientific fact, or any official public records.

(d) *Appearances.* Any interested person including any agency of the Department or other governmental agency shall be given an opportunity to appear either in person or through authorized counsel or other representation and to be heard with respect to matters relevant and material to the proceeding. Each such person or representative shall be required to inform the presiding officer of his name and address, the names, addresses and occupations of persons, if any, whom he represents and the position he takes with respect to the issues of the hearing. Where a person appears through counsel or representation, such counsel or representative shall before proceeding to testify or otherwise to participate in the hearing, state for the record his authority to act as such counsel or representative.

(e) *Evidence.* The evidence of the witnesses shall be given under oath. Witnesses may be questioned by the presiding officer or by any person who has entered an appearance for the purpose of assisting the presiding officer in ascertaining the material facts with respect to the subject matter of the hearing.

The evidence, including affidavits, records, documents and exhibits received at the hearing, shall be reported and a transcript thereof shall be made. In the discretion of the presiding officer, written evidence may be received without being read into the record. Every party shall be afforded adequate opportunity to cross-examine, rebut or offer contravening evidence. Evidence shall be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(f) *Rules of evidence.* All evidence having reasonable probative value shall be admitted, regardless of common law or statutory rules of evidence, but immaterial, irrelevant or unduly repetitious evidence shall be excluded.

(g) *Opinion evidence.* In the discretion of the presiding officer, opinion evidence by properly qualified witnesses may be admitted.

(h) *Stipulations.* In the discretion of the presiding officer, stipulations of facts signed by the parties or their representatives may be introduced.

(i) *Depositions.* The presiding officer may order evidence to be taken by deposition at any stage of the proceeding before any person designated by him and having the power to administer oaths or affirmations. Unless notice be waived, no deposition shall be taken except after reasonable notice to the parties. Any person desiring to take a deposition of a witness shall make application in writing setting out the reasons why such deposition should be taken and stating the time when, the place where, and the name and address of the person before whom it is desired the deposition should be taken, the name and address of the witness and the subject matter concerning which the witness is expected to testify. If good reason be shown, the presiding officer will make and serve upon the parties or their attorneys an order naming the witness whose deposition is to be taken and specifying the time when, the place where, and the person before whom the witness is to testify. These may or may not be the same as those named in the application. The deponent shall be subject to cross-examination by all the parties appearing. In lieu of oral cross-examination, parties may transmit written cross-interrogations to the deponent. The testimony of the witness shall be reduced to writing by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the officer. Such deposition, unless otherwise ordered by the presiding officer for good cause shown, shall be filed in the record in the proceeding and a copy thereof supplied to the party upon whose application said deposition was taken or his attorney.

RULES AND REGULATIONS

(j) *Objections.* It shall not be necessary to make formal exceptions to adverse rulings of the presiding officer upon objections.

(k) *Oral argument and briefs.* Oral arguments may be permitted in the discretion of the presiding officer. Such arguments shall be made a part of the transcript, if the presiding officer so orders.

Briefs and proposed findings of fact and conclusions of law may not be filed after 30 days from the close of the hearing unless otherwise ordered by the presiding officer.

(l) *Filing the record of the hearing.* As soon as practicable after the close of the hearing the complete record shall be filed with the presiding officer. It shall consist of the transcript of the testimony and include exhibits and any written arguments that may have been filed. This record shall be the sole official record. No free copies of the record will be available in any proceeding under this section.

(m) *Action of presiding officer.* Within a reasonable time of the filing of the record of the hearing, the presiding officer shall file with the Secretary of the Interior a report upon the possessory claims of the petitioner which shall contain findings of fact and conclusions of law with respect to such claims. Unless final authority has been delegated by the Secretary to the presiding officer, the Secretary of the Interior will approve, disapprove or modify the findings and conclusions of the presiding officer. The determinations finally made shall be published in the FEDERAL REGISTER and a copy thereof shall be mailed to each party who appeared at the hearing or who received actual written notice of the hearing.

(n) *Rehearing.* Upon good cause shown within 30 days of the publication of the presiding officer's report, the Secretary in his discretion may order a rehearing.

(o) *Public notice of regulations.* Public notice of the issuance of the foregoing rules of practice for hearings shall be given by publishing the same in the FEDERAL REGISTER.

(p) *Revision of section.* This section may be revised by the Secretary of the Interior at any time without prior notice and such revision shall be published in the FEDERAL REGISTER. [Reg., June 10, 1946, 11 F.R. 6911]

§ 102.22 *Filing of trap site locations.* On or before February 15 in each year, any person who has obtained or applied for a permit from the War Department for the occupation of a trap site may file with the Regional Director of the Fish and Wildlife Service at Juneau notice of this fact and of its location. Failure to file such notice shall be cause for closing the trap of such permit holder if there be a competing permit holder who has filed such a notice.

§ 102.23 *Determination and closing of competing trap operations at single site.* In case there shall be two or more permit holders for a single site, the Regional Director shall give notice of this fact to

all conflicting permit holders who have filed notices under § 102.22. Any permit holder who has filed such a notice may request, through the Regional Director, that the Secretary of the Interior, or his authorized representative determine, prior to the opening of the fishing season, which of the permit holders is entitled to occupy the site for the coming season. The Secretary or his representative, upon such a request, may call for affidavits or other evidence showing the interests and equities of the competing applicants, and shall determine and announce the action which the Fish and Wildlife Service will take with respect to closing the competing traps after opening of the fishing season. This determination will be based upon (a) the provisions of § 102.24, (b) any applicable law or regulation of the United States or the Territory of Alaska then in effect, or (c) the policy hitherto established of closing all traps in the area of conflict pending a judicial determination or other settlement.

§ 102.24 *Limitation on increases of individual trap site operations.* No person shall be permitted to increase the number of trap sites which he occupies over the number occupied in the preceding season if such increase would result in his occupation of more than 10 sites. The Secretary or his authorized representative may, however, in exceptional cases authorize such an increase for good cause shown. Any trap site occupied in violation of this section will be closed.

§ 102.25 *Operation of trap site by permit holder.* No person shall be allowed to occupy, lease, or assign a trap site who in the fishing season previous to 1948 held a permit for a trap site and did not himself occupy such site but instead leased or assigned such site to another person under arrangements by which the permit holder did not bear all or a substantial part of the expenses and financial risk involved in the installation, care, service, and use of the trap. The Secretary or his authorized representative may, however, in exceptional cases authorize occupation of such site for good cause shown. Any trap site occupied, leased, or assigned in violation of this section will be closed.

§ 102.26 *Traps must be ineffectual prior to open season.* In any prescribed fishing area prior to the first date when salmon traps may be operated in any calendar year, no trap or any part thereof, whether under construction or after completion, shall be so arranged or adjusted as to prevent the free and unobstructed passage at all times of all fish.

§ 102.27 *Traps limited to two spillers.* No trap shall have more than two spillers.

§ 102.28 *Method of closing salmon traps.* During closed periods the heart walls of all salmon traps within the areas affected shall be lifted or lowered in accordance with the method prescribed by section 5 of the act of June 6, 1924. The tunnels from hearts to pots of all salmon traps shall be constructed of flexible webbing other than wire, and during all

closed periods they shall be completely closed by pulling to one side of the pot. (See 5, 43 Stat. 466; 48 U. S. C. 234)

§ 102.29 *Traps must be made inoperative within 24 hours after close of season.* Within 24 hours after the beginning of any seasonal closed period the wire on the entire long wall of the small heart from the pot tunnel to the first corner, on both sides, shall be cut down, and any lead within 50 feet of the small heart gap shall be cut down. Within 48 hours after the beginning of any seasonal closed period (a) the tunnels from pots to spillers of all traps shall be entirely disconnected, and (b) the spillers of all driven traps shall be raised to within 4 feet of the capping and the spillers of floating traps shall be raised to within 4 feet of the surface. With respect to traps not provided with spillers, the requirements with regard to spillers shall apply to the pots. This requirement shall not apply to traps, the operation of which has been suspended through the issuance of an announcement under § 102.5 if such announcement expressly so provides.

§ 102.30 *Gear restrictions: trawls.* The size, character, and operation of trawls in Alaskan waters are limited as follows:

(a) Otter trawls having mesh smaller than 5 inches stretched measure between knots in the bag and 6 inches stretched measure between knots in the wings are prohibited: *Provided*, That otter trawls now in use having mesh smaller than that specified may be used through the calendar year 1949 if registered with the Regional Director, Fish and Wildlife Service, Juneau, Alaska.

(b) The use of any devices attached to the foot-rope or elsewhere, such as chain "ticklers", which may cause undue disturbance or destruction of the bottom, is prohibited.

(c) The use of otter trawls in any area which the International Fisheries Commission has found to be populated by small immature halibut and accordingly has closed to all halibut fishing, is prohibited.

(d) All operators of otter trawls shall maintain a running log on forms furnished showing date, type and size of mesh of trawl used, each locality fished, the time and duration of each tow, and the estimated poundage and number or average weight of each species caught. Such logs shall be available for inspection by representatives of the Fish and Wildlife Service at any reasonable time, and the duplicate sheets shall be transmitted to the Fish and Wildlife Service at periodic intervals. On or before December 15 of each year complete statistics of operations shall be submitted to the Fish and Wildlife Service on forms provided for the purpose.

(e) The use of any trawl in commercial fishing for salmon, herring, and Dungeness crabs is prohibited.

HERRING FISHERY

§ 102.31 *Obstructions prohibited in herring bays.* No one shall place, or cause to be placed, across the entrance

to any lagoon or bay any net or other device which will prevent the free passage at all times of herring in and out of said lagoon or bay.

§ 102.32 *Disposal of herring offal.* The dumping of offal or dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

§ 102.33 *Traps prohibited, herring fishing.* Commercial fishing for herring by means of any trap is prohibited.

SHELLFISH FISHERY

§ 102.34 *Methods of taking clams.* The taking of any species of clam, for commercial purposes, on any of the beaches of Alaska, except by hand-operated shovels, spades, or forks, is prohibited at all times.

§ 102.35 *Minimum size of clams.* It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell or any butter clam measuring less than 2½ inches in total length of shell. Possession of any razor clam measuring less than 4½ inches in total length of shell or any butter clam measuring less than 2½ inches in total length of shell will be regarded as prima facie evidence of unlawful taking.

§ 102.36 *Protection of small clams.* Any razor clam measuring less than 4½ inches or any butter clam measuring less than 2½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging operations.

§ 102.37 *Protection of female and small male king or spider crabs.* No female king or spider crab shall be taken at any time in the waters of Alaska, and no male measuring less than 5½ inches in greatest width of shell shall be taken for commercial purposes.

§ 102.38 *Protection of female and small male Dungeness crab.* No female shall be taken at any time, and no male measuring less than 7 inches in greatest width of shell shall be taken for commercial purposes.

§ 102.39 *Taking of soft-shell crabs prohibited.* It is prohibited to take for commercial purposes any soft-shell crab. Possession of any such crab will be regarded as prima facie evidence of unlawful taking.

PART 103—YUKON-KUSKOKWIM AREA

DEFINITION

Sec.
103.1 Definition.

SALMON FISHERY

103.2 Districts open.
103.3 Open season.
103.4 Maximum take of king and red salmon.
103.5 Types of gear permitted.
103.6 Marking of gill nets.
103.7 Gear, Yukon district.
103.8 Total aggregate length of gill nets.
103.9 Size of mesh and depth of gill nets.
103.10 Trailing of web by fishing boats.

Sec.
103.11 Motor-propelled gill net boats prohibited.

HERRING FISHERY

103.12 Closed seasons, Golofnin Bay.
103.13 Gear, Golofnin Bay.
103.14 Seines prohibited; exception.

AUTHORITY: §§ 103.1 to 103.14 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION

§ 103.1 *Definition.* The Yukon-Kuskokwim area is hereby defined to include all territorial coastal and tributary waters of Alaska from Cape Newenham northward to the parallel of 66 degrees north latitude.

SALMON FISHERY

§ 103.2 *Districts open.* Commercial fishing for salmon is prohibited except within the following-described districts:
(a) Port Clarence district: Waters within a line extending from Cape Douglas to Cape York.

(b) Yukon district: All waters of the Yukon River and all waters along the coast between 62 degrees north latitude and 63 degrees 15 minutes north latitude.

(c) Kuskokwim district: All waters of Kuskokwim River, and waters of Kuskokwim Bay, exclusive of Goodnews Bay, within a line extending from the east shore of Kuskokwim Bay at the parallel of 59 degrees north latitude to Cape Avinof. The mouth of the Kuskokwim River shall be considered as a straight line extending from a marker erected for the purpose at Beacon Point to another marker at Popokamute. (48 Stat. 595; 48 U. S. C. 232)

§ 103.3 *Open season.* Commercial fishing for salmon is prohibited except in the period from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian July 31, in each year: *Provided*, That such fishing is permitted in the Kuskokwim district until 6 o'clock postmeridian August 15. (Sec. 2, 48 Stat. 595; 48 U. S. C. 232)

§ 103.4 *Maximum take of king and red salmon.* The combined take of king and red salmon for commercial purposes shall not exceed 300,000 fish in any calendar year: *Provided*, That the take of king salmon in the Yukon district shall not exceed 50,000 fish, of which not more than 25,000 may be taken inside the mouth of the Yukon River, in any calendar year: *And provided further*, That the combined take of red and king salmon in the Kuskokwim district shall not exceed 250,000 fish in any calendar year. (48 Stat. 595; 48 U. S. C. 232)

§ 103.5 *Types of gear permitted.* Commercial fishing for salmon shall be conducted solely by drift gill nets and set nets: *Provided*, That this shall not apply (a) to the use of purse seines in Kuskokwim Bay, exclusive of Goodnews Bay, between 59 degrees north latitude and 59 degrees 40 minutes north latitude westward to Cape Avinof, and (b) to the use of fish wheels in the Yukon and Kuskokwim Rivers by native Indians and bona fide permanent white residents along those rivers for the capture of

king salmon. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited. (48 Stat. 595; 48 U. S. C. 232)

§ 103.6 *Marking of gill nets.* Each gill net in operation shall be marked by a cluster of bright red floats or corks at the ends, and bright red double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters at the ends shall also be legibly and plainly marked with the initials of the operator.

§ 103.7 *Gear, Yukon district.* Commercial fishing for salmon in the Yukon district shall be conducted solely by king salmon gill nets having mesh of at least 8½ inches stretched measure between knots as measured when actually in use: *Provided*, That this shall not apply to the use of fish wheels in the Yukon River by native Indians and bona fide permanent white residents along the river for the capture of king salmon. (48 Stat. 595; 48 U. S. C. 232)

§ 103.8 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 150 fathoms hung measure. (48 Stat. 595; 48 U. S. C. 232)

§ 103.9 *Size of mesh and depth of gill nets.* King salmon gill nets shall have a mesh of at least 8½ inches stretched measure between knots, red salmon gill nets of linen webbing shall have a mesh of at least 5½ inches stretched measure between knots, and red salmon gill nets of cotton webbing shall have a mesh of at least 5¼ inches stretched measure between knots as measured when actually in use. No red salmon gill net shall be over 28 meshes deep. (48 Stat. 595; 48 U. S. C. 232)

§ 103.10 *Trailing of web by fishing boats.* The trailing of web behind any fishing boat is prohibited above the markers fixing closed waters.

§ 103.11 *Motor-propelled gill net boats prohibited.* The use of motor-propelled fishing boats in catching salmon with gill nets is prohibited.

HERRING FISHERY

§ 103.12 *Closed seasons, Golofnin Bay.* Commercial fishing for herring in the waters of Golofnin Bay within a line from the southern extremity of Rocky Point to the southern extremity of Cape Darby is prohibited from January 1 to August 19, both dates inclusive, and from November 1 to December 31, both dates inclusive.

§ 103.13 *Gear, Golofnin Bay.* Commercial fishing for herring in the waters of Golofnin Bay, within a line from the southern extremity of Rocky Point to the southern extremity of Cape Darby, shall be conducted solely by gill nets of mesh not less than 2¾ inches stretched measure between knots.

§ 103.14 *Seines prohibited; exception.* Commercial fishing for herring, except for bait purposes, by means of any seine is prohibited.

PART 104—BRISTOL BAY AREA

Sec.	Definition.
	SALMON FISHERY
104.2	Districts open.
104.3	Opening date for red-salmon fishing; exception.
104.4	Closed seasons; exception.
104.5	Weekly closed periods.
104.6	Catch limitation, Hagemester district.
104.7	Limited to gill nets.
104.8	Marking of boats.
104.9	Marking of gill nets.
104.10	Size of mesh and depth of gill nets.
104.11	Total aggregate length of gill nets.
104.12	Trailing of web by fishing boats.
104.13	Motor-propelled gill net boats prohibited.
104.14	Certification of citizenship and residence by stake and set net operators.
104.15	Districts open to stake and set nets.
104.16	Total aggregate length of stake nets.
104.17	Operation of stake and set nets.
104.18	Spacing of stake and set nets, Nushagak.
104.19	Smelt nets restricted.
104.20	Closed waters.

AUTHORITY: §§ 104.1 to 104.20 issued under 44 Stat. 752; 48 U. S. C. 221.

§ 104.1 *Definition.* The Bristol Bay area is hereby defined to include all territorial coastal and tributary waters of Alaska from Cape Newenham to a point on the coast 3 statute miles south of Cape Menshikof.

SALMON FISHERY

§ 104.2 *Districts open.* Commercial fishing for salmon is prohibited except within the following-described districts:

(a) Hagemester district: Waters of Hagemester Strait from 161 degrees 40 minutes west longitude to 160 degrees 38 minutes west longitude.

(b) Nushagak district: Waters of Nushagak Bay within a line from Point Protection to Etolin Point.

(c) Kvichak-Naknek district: Waters of Kvichak Bay within a line from Etolin Point to Middle Bluff Light on the eastern side of Kvichak Bay, *Provided*, That the waters within a line extending from the south corner of the southernmost dock of the Bristol Bay Packing Company cannery near Peterson Point to Ship's Anchorage, and thence to Middle Bluff Light shall be known as the Naknek Section.

(d) Egegik district: Waters between a line extending from Etolin Point to Middle Bluff Light and an east and west line at 58 degrees north latitude.

(e) Ugashik district: Waters between an east and west line at 58 degrees north latitude and the southern limit of the area at a point on the coast 3 statute miles south of Cape Menshikof.

§ 104.3 *Opening date for red-salmon fishing; exception.* Commercial fishing for salmon with nets of mesh less than 8½ inches stretched measure between knots is prohibited each year prior to 6 o'clock antemeridian June 25, except in the Ugashik district where such fishing is prohibited each year prior to 6 o'clock antemeridian June 28.

§ 104.4 *Closed seasons; exception.* Commercial fishing for salmon is pro-

hibited in the period from 6 o'clock antemeridian July 25 to 6 o'clock antemeridian August 3, except in the Ugashik district where such fishing is prohibited from 6 o'clock antemeridian July 28 to 6 o'clock antemeridian August 10.

§ 104.5 *Weekly closed periods.* The 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday of each week, making a weekly closed period of 60 hours.

§ 104.6 *Catch limitation, Hagemester district.* The combined take of red salmon for commercial purposes in the Hagemester district shall not exceed 50,000 fish in any calendar year.

§ 104.7 *Limited to gill nets.* Commercial fishing for salmon shall be conducted solely by drift gill nets, set or anchored gill nets, and stake gill nets. The use of all other forms of fishing gear is prohibited.

§ 104.8 *Marking of boats.* Each salmon-fishing boat in operation shall be legibly and plainly marked with the initials or symbol of the person, company, or corporation owning, operating, or using same, together with a distinctive number which shall identify each particular boat, said letters, symbols, and numbers to be not less than 6 inches in length. Each person, company, or corporation operating two or more salmon-fishing boats shall have said boats numbered consecutively, beginning with number 1 for each plant. Boats operated by Alaska residents shall have, in addition, the letter "A" before the number. Each season, prior to the opening date for commercial fishing, the initials or symbol, and number of each boat shall be furnished in writing to the agent of the Fish and Wildlife Service in charge of the district in which said boat shall operate.

§ 104.9 *Marking of gill nets.* Each drift gill net in operation shall be marked by a cluster of bright red floats or corks at the ends, and bright red double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends shall be legibly and plainly marked with the initials of the operator.

§ 104.10 *Size of mesh and depth of gill nets.* King salmon nets shall have a mesh of at least 8½ inches stretched measure between knots, and red salmon nets shall have a mesh of at least 5½ inches stretched measure between knots, as measured when actually in use. No red salmon nets shall be over 28 meshes deep.

§ 104.11 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 150 fathoms hung measure.

§ 104.12 *Trailing of web by fishing boats.* The trailing of web behind any fishing boat is prohibited above the markers fixing closed waters.

§ 104.13 *Motor-propelled gill net boats prohibited.* The use of motor-propelled

fishing boats in catching salmon is prohibited.

§ 104.14 *Certification of citizenship and residence by stake and set net operators.* Every operator of a stake or set net for commercial purposes shall furnish to the local representative of the Fish and Wildlife Service in advance of the fishing season a sworn statement that he is a citizen of the United States and has resided continuously in the area embracing Bristol Bay and the arms and tributaries thereof for a period of at least two years immediately preceding the opening date for fishing.

§ 104.15 *Districts open to stake and set nets.* Commercial fishing for salmon with stake nets or set or anchored gill nets shall be limited to beach areas between high- and low-water marks, exclusive of bars or flats that at low tide are not connected by exposed land to the shore or places not covered at high tide, and shall be confined to the following places:

(a) Nushagak district: Along the beach, except on the west side of Nushagak Bay from a point 2 statute miles south of Bradford Point to Coffee Point, and except along the east side of that bay from a point 2,500 yards southeast of Ekuk Bluff Light to Etolin Point.

(b) Kvichak Bay: Along the beach on the southeast shore of the bay from Prosper Creek to Coffee Creek.

(c) Naknek Bay: Along the beach on the north side of the bay from a point 1,200 yards above the drift gill net prohibitive markers to a point 1,500 yards outside such markers, and along the beach on the south side of the bay from a point 1,200 yards above the drift gill net prohibitive markers to a point 3,000 yards outside such markers.

(d) Egegik Bay: Along the beach on the north side of the bay to a point 4,000 yards outside the drift gill net prohibitive marker, and on the south side of the bay to a point 1,000 yards outside such marker.

(e) Ugashik Bay and River: Along the beach on the north side of the bay from Pilot station to a point 500 yards south of Dago Creek, and along the beach on the east side of the river from a point 200 yards north of the Red Salmon Canning Co.'s cannery to a point 1,200 yards north of that cannery.

§ 104.16 *Total aggregate length of stake nets.* The total aggregate length of stake nets used by any individual shall not exceed 50 fathoms measured on the cork line.

§ 104.17 *Operation of stake and set nets.* Stake nets and set or anchored gill nets shall be operated in substantially a straight line.

§ 104.18 *Spacing of stake and set nets, Nushagak.* In the Nushagak district the distance by most direct measurement from any part of one stake gill net or set or anchored gill net to any part of another stake gill net or set or anchored gill net shall not be less than 450 feet.

§ 104.19 *Smelt nets restricted.* The use of smelt nets is prohibited in localities where young salmon are migrating.

§ 104.20 *Closed waters.* All commercial fishing for salmon is prohibited as follows:

(a) Nushagak Bay: All waters northward of a line from a marker 2 statute miles below Bradford Point to a marker on the opposite shore at Nushagak Point: *Provided*, That stake nets or set or anchored gill nets limited to beach areas between high and low water marks will be permitted to the old prohibitive line from Snag Point to the old village on the east bank.

(b) Kvichak Bay: All waters above a line extending across Kvichak Bay from the Squaw Creek Light to a marker on the opposite side at Coffee Creek Point: *Provided*, That stake nets or set or anchored gill nets limited to beach areas between high and low water marks will be permitted on the southeast shore from Prosper Creek to Coffee Creek.

(c) Naknek Bay: All waters within 1 statute mile of the mouth of the Natnek River: *Provided*, That stake nets or set or anchored gill nets limited to beach areas between high and low water marks will be permitted on each side of the bay to a point 1,200 yards above the drift gill net prohibited markers.

(d) Egegik Bay: All waters above a line extending at right angles across said bay from a marker on the north bank 250 yards east of Libby, McNeill & Libby's cannery building, to a marker on the south bank 175 yards east of the Alaska Packers Association's cannery building.

(e) Ugashik River and Bay: All waters above a line extending at right angles across said river 500 yards below the mouth of King Salmon River: *Provided*, That stake nets or set or anchored gill nets limited to beach areas between high and low water marks will be permitted on the east side of the river from a point 200 yards north of the Red Salmon Canning Co.'s cannery to a point 1,200 yards north of that cannery. (43 Stat. 464, as amended; 48 U. S. C. 221)

PART 105—ALASKA PENINSULA AREA

DEFINITIONS

- Sec. 105.1 Definition.
- 105.2 Definitions, fishing districts.

SALMON FISHERY

- 105.3 Open seasons, except Port Moller district.
- 105.4 Open season; Port Moller district.
- 105.5 Weekly closed period.
- 105.6 Catch limitation; Entrance Point to Cape Seniavin.
- 105.7 Catch limitation, Port Heiden waters.
- 105.8 Minimum distance between units of gear.
- 105.9 Maximum length of seine boats.
- 105.10 Waters open to seines; size of seines.
- 105.11 Size of beach seines.
- 105.12 Total aggregate length of gill nets.
- 105.13 Length of stake and set nets.
- 105.14 Operation of stake and set nets.
- 105.15 Fishing with stake nets restricted.
- 105.16 Restricted to gill nets, Swanson Lagoon.
- 105.17 Minimum distance between traps.
- 105.18 Areas open to traps.
- 105.19 Closed waters.

HERRING FISHERY

- 105.20 Closed seasons.
- 105.21 Closed waters.

AUTHORITY: §§ 105.1 to 105.21 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITIONS

§ 105.1 *Definition.* The Alaska Peninsula area is hereby defined to include all territorial coastal and tributary waters of the Alaska Peninsula from a point on the coast 3 statute miles south of Cape Menshikof on the Bering Sea shore, extending in a southwesterly direction to Unimak Pass, thence in a northeasterly direction along the Pacific side of the Alaska Peninsula to Castle Cape (Tuliumnit Point). The waters of Unimak, the Sanak, the Shumagin, and all other adjacent islands are included.

§ 105.2 *Definitions, fishing districts.* Fishing districts in the Alaska Peninsula area are defined as follows:

(a) *Eastern district.* All waters of the Alaska Peninsula area on the south side of the Peninsula between the longitude of Castle Cape and the longitude of Seal Cape at the entrance to Coal Bay, including the Shumagin and other islands.

(b) *Central district.* All waters of the Alaska Peninsula area on the south side of the Peninsula between the longitude of Seal Cape at the entrance to Coal Bay, and the longitude of Kenmore Head, including the Sanak and other islands.

(c) *Western district.* All waters of the Alaska Peninsula area on the south side of the Peninsula west of the longitude of Kenmore Head.

(d) *Port Moller district.* All waters of the Alaska Peninsula area on the north side of the Peninsula between Lagoon Point and Cape Seniavin.

(e) *General district.* All waters of the Alaska Peninsula area not defined above.

SALMON FISHERY

§ 105.3 *Open seasons, except Port Moller district.* With the exception of the Port Moller district, commercial fishing for salmon is prohibited except (a) from 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 12, and (b) except by beach seines and gill nets from 6 o'clock antemeridian September 6 to 6 o'clock postmeridian September 30.

§ 105.4 *Open season, Port Moller district.* Commercial fishing for salmon is prohibited in the Port Moller district except in the period from 6 o'clock antemeridian June 20 to 6 o'clock postmeridian July 31: *Provided*, That beach seines and gill nets may be used from August 20 to September 30, both dates inclusive.

§ 105.5 *Weekly closed period.* The 36-hour weekly closed period prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock postmeridian Friday of each week until 6 o'clock antemeridian of the Monday following, except that in the Port Moller district there shall be, in addition to the statutory 36-hour weekly closed period, a closed period from 6 o'clock postmeridian Wednesday to 6 o'clock postmeridian Thursday of each week, making a total weekly closed period of 60 hours. (Sec. 5, 34 Stat. 264, as amended; 48 U. S. C. 247)

§ 105.6 *Catch limitation; Entrance Point to Cape Seniavin.* In the waters from Entrance Point to Cape Seniavin the catch of red salmon shall not exceed 500,000 in any calendar year.

§ 105.7 *Catch limitation, Port Heiden waters.* In Port Heiden waters the catch of red salmon shall not exceed 50,000 fish in any calendar year.

§ 105.8 *Minimum distance between units of gear.* The distance by most direct water measurement from any part of one stake gill net, set or anchored gill net, or beach seine to any part of another stake gill net, set or anchored gill net, beach seine, or trap shall not be less than 1,800 feet.

§ 105.9 *Maximum length of seine boats.* No boats used in operating any purse seine shall be longer than 50 feet, as shown by official register length: *Provided*, That this shall not apply to such boats operated on the north side of the Alaska Peninsula or in the waters of this area on the south side of Unimak Island west of Cape Pankof.

§ 105.10 *Waters open to seines; size of seines.* Commercial fishing for salmon by means of any purse seine more than 200 fathoms in length and 350 meshes in depth is prohibited in the waters between Castle Cape and Cape Pankof, including Ikatan Bay and the waters of the Shumagin Islands.

§ 105.11 *Size of beach seines.* The use of any beach seine less than 60 fathoms in length and 120 meshes in depth or more than 75 fathoms in length and 175 meshes in depth is prohibited. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

§ 105.12 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure.

§ 105.13 *Length of stake and set nets.* No stake gill net or set or anchored gill net shall exceed 75 fathoms in length measured on the cork line. The total aggregate length of stake nets used by any individual shall not exceed 150 fathoms.

§ 105.14 *Operation of stake and set nets.* Stake nets and set or anchored gill nets shall be operated in substantially a straight line: *Provided*, That not to exceed 30 fathoms of each net may be used as a hook. Only one such hook is permitted on a net.

§ 105.15 *Fishing with stake nets restricted.* Commercial fishing for salmon by means of stake nets, except along the Bering Sea Coast, is prohibited.

§ 105.16 *Restricted to gill nets, Swanson Lagoon.* Commercial fishing for salmon is prohibited in Swanson Lagoon, except by means of gill nets.

§ 105.17 *Minimum distance between traps.* The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

§ 105.18 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Unimak Island: Along the coast on the west and south sides of Ikatan Bay (1) from a point on False Pass (Isanotski Strait) at 54 degrees 48 minutes 54 seconds north latitude, 163 degrees 22 minutes 18 seconds west longitude, to a point at 54 degrees 46 minutes 44 seconds north latitude, 163 degrees 21 minutes 32 seconds west longitude, and (2) from a point at 54 degrees 45 minutes 18 seconds north latitude, 163 degrees 17 minutes 30 seconds west longitude, to a point on Louisa Cove at 54 degrees 45 minutes 58 seconds north latitude, 163 degrees 8 minutes 52 seconds west longitude.

(b) Unimak Island: Along the coast of East Anchor Cove within 2,500 feet, measured along the coast, from a point at 54 degrees 41 minutes 21 seconds north latitude, 163 degrees 3 minutes 36 seconds west longitude.

(c) Along the coast on the west side of Morzhovoi Bay within 2,500 feet measured along the coast from a point at 55 degrees 0 minutes 52 seconds north latitude, 163 degrees 9 minutes 39 seconds west longitude.

(d) Along the coast of Vodapoini Point within 2,500 feet of a point at 55 degrees 2 minutes 5 seconds north latitude, 162 degrees 24 minutes 21 seconds west longitude.

(e) Along the coast of Bold Cape for a distance of 2,500 feet from a point at 55 degrees 1 minute 12 seconds north latitude, 162 degrees 15 minutes 36 seconds west longitude.

(f) Deer Island: East coast within 2,500 feet of a point at 54 degrees 51 minutes 42 seconds north latitude.

(g) Along the mainland coast between Belkofski Bay and Bear Bay, from a point at 55 degrees 6 minutes 21 seconds north latitude, 161 degrees 57 minutes 54 seconds west longitude, to a point at 55 degrees 8 minutes north latitude, 161 degrees 57 minutes 18 seconds west longitude.

(h) Dolgoi Island: East coast within 2,500 feet of a point at 55 degrees 7 minutes 42 seconds north latitude, 161 degrees 38 minutes 24 seconds west longitude.

(j) Mainland coast along the west side of Pavlof Bay from 55 degrees 18 minutes 6 seconds north latitude to 55 degrees 20 minutes north latitude.

(k) Mainland coast along the east side of Pavlof Bay (1) within 2,500 feet of a point at 55 degrees 27 minutes north latitude; and (2) within 2,500 feet of a point at 55 degrees 21 minutes 35 seconds north latitude, 161 degrees 29 minutes 18 seconds west longitude.

(l) Island east of Seal Cape at 55 degrees 21 minutes 16 seconds north latitude, 161 degrees 13 minutes 24 seconds west longitude.

(m) Mainland coast within 2,500 feet of a point near Swedania Point at 55 degrees 28 minutes 43 seconds north latitude, 160 degrees 30 minutes 14 seconds west longitude.

(n) Unga Island: East coast (1) within 2,500 feet of a point at 55 degrees 11 minutes 42 seconds north latitude, 160

degrees 27 minutes 38 seconds west longitude; and (2) within 2,500 feet of a point at 55 degrees 13 minutes 29 seconds north latitude, 160 degrees, 29 minutes 37 seconds west longitude.

(o) Popof Island: East coast (1) within 2,500 feet of a point at 55 degrees 16 minutes north latitude, 160 degrees 19 minutes 40 seconds west longitude; and (2) within 2,500 feet of a point at 55 degrees 18 minutes 36 seconds north latitude, 160 degrees 18 minutes 48 seconds west longitude.

(p) Korovin Island: East coast within 2,500 feet of a point at 55 degrees 24 minutes 24 seconds north latitude, 160 degrees 8 minutes 57 seconds west longitude.

§ 105.19 *Closed waters.* All commercial fishing for salmon is prohibited, as follows:

(a) Within 1,000 yards outside the mouths of Bear, Sandy, and Ocean Rivers.

(b) Thin Point Lagoon, East Bay (Long John Lagoon), Kinzaroff Lagoon, Mortensen Lagoon, Big Lagoon, and Middle or Lambsport Lagoon: All waters within the lagoons and their streams and within a distance of 500 yards outside the entrances to the lagoons.

(c) Belkofski Bay: All waters in the bay north and east of a line extending from a point at 55 degrees 9 minutes 30 seconds north latitude, 162 degrees 9 minutes 12 seconds west longitude, to a point at 55 degrees 8 minutes 12 seconds north latitude, 162 degrees 7 minutes 6 seconds west longitude, and thence to a point at 55 degrees 7 minutes 24 seconds north latitude, 162 degrees 7 minutes 45 seconds west longitude.

(d) Volcano Bay and Bear Bay. (1) All waters north of a line extending from a point at 55 degrees 13 minutes 30 seconds north latitude, 162 degrees 1 minute 18 seconds west longitude, to a point at 55 degrees 13 minutes 55 seconds north latitude, 161 degrees 58 minutes 4 seconds west longitude; and (2) all waters west of a line extending from a point at 55 degrees 11 minutes 24 seconds north latitude, 161 degrees 59 minutes 48 seconds west longitude, to a point at 55 degrees 10 minutes north latitude, 161 degrees 58 minutes 18 seconds west longitude.

(e) Canoe Bay, tributary to Pavlof Bay.

(f) All waters of Orzinski (Orzenoi) Bay.

(g) Balboa Bay: All waters of the bay north of a line extending due west from Reef Point.

(h) Ivanof Bay: All waters within the bay.

(i) Morzhovoi Bay: All waters in Littlejohn Lagoon.

(j) Lenard Harbor, Cold Bay: All waters within the harbor.

HERRING FISHERY

§ 105.20 *Closed seasons.* Commercial fishing for herring, except for bait and except by gill nets, is prohibited from January 1 to May 31 and from December 1 to December 31, all dates inclusive.

§ 105.21 *Closed waters.* During the period from June 1 to October 1, both dates inclusive, commercial fishing for

herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

PART 106—ALEUTIAN ISLANDS AREA

DEFINITION

Sec.	Definition.
106.1	SALMON FISHERY
106.2	Closed seasons.
106.3	Size of purse seines.
106.4	Total aggregate length of gill nets.
106.5	Operation of stake and set nets.
106.6	Traps prohibited.
	HERRING FISHERY
106.7	Closed seasons.
106.8	Closed season, seine fishing.
106.9	Restrictions on bait fishing.
106.10	Size of purse seines.
106.11	Size of mesh, gill nets.

AUTHORITY: §§ 106.1 to 106.11 issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION

§ 106.1 *Definition.* The Aleutian Islands area is hereby defined to include all territorial coastal and tributary waters of the Aleutian Islands westward of and including Unimak Pass.¹

SALMON FISHERY

§ 106.2 *Closed seasons.* Commercial fishing for salmon is prohibited during the remainder of each calendar year after 6 o'clock postmeridian August 10, except that beach seines and gill nets may be used from September 5 to September 30, both dates inclusive.

§ 106.3 *Size of purse seines.* The use of any purse seine exceeding 100 fathoms in length or 150 meshes in depth is prohibited. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

§ 106.4 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon fishing boat or in use by such boat shall not exceed 200 fathoms hung measure.

§ 106.5 *Operation of stake and set nets.* Stake nets and set or anchored gill nets shall be operated in substantially a straight line.

§ 106.6 *Traps prohibited.* The use of any trap is prohibited.

HERRING FISHERY

§ 106.7 *Closed seasons.* Commercial fishing for herring, except for bait purposes, is prohibited in the period from January 1 to June 15, both dates inclusive, and from November 1 to December 31, both dates inclusive.

§ 106.8 *Closed season, seine fishing.* Commercial fishing for herring, except for bait purposes, by means of any seine is prohibited except in the period from July 15 to October 31, both dates inclusive.

¹The Aleutian Islands Area was set apart as a game and fishery reserve by E. O. 1733, March 3, 1913. Certain islands were removed from the reserve by E. O. 5000, Nov. 23, 1928, and at the present time there are no restrictions on commercial fishing within the reserve other than those which are applicable in this area outside the reserve.

§ 106.9 *Restrictions on bait fishing.* Commercial bait fishing for herring by means of any seine in Unalaska Bay and tributary waters south of 54 degrees north latitude is prohibited.

§ 106.10 *Size of purse seines.* Commercial fishing for herring, including bait fishing, by means of any purse seine more than 1,400 meshes in depth, more than 180 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited.

§ 106.11 *Size of mesh, gill nets.* Gill nets used in catching herring shall not be of smaller mesh than 3 inches stretched measure.

PART 107—CHIGNIK AREA

DEFINITION

Sec.	Definition.
107.1	SALMON FISHERY
107.2	Closed seasons.
107.3	Weekly closed period.
107.4	Catch limitation, Chignik River.
107.5	Minimum distance between units of gear.
107.6	Purse seines prohibited.
107.7	Size of beach seines.
107.8	Motor-propelled gill net boats prohibited.
107.9	Total aggregate length of gill nets.
107.10	Length of set nets.
107.11	Operation of set nets.
107.12	Removal from water of set nets.
107.13	Minimum distance between traps.
107.14	Areas open to traps.
107.15	Closed waters, Chignik Lagoon.
107.16	Closed waters.

HERRING FISHERY

107.17	Closed seasons.
107.18	Closed waters.

AUTHORITY: §§ 107.1 to 107.18 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION

§ 107.1 *Definition.* The Chignik area is hereby defined to include the territorial coastal and tributary waters of Alaska along the mainland shore from Castle Cape (Tuliumnit Point) to Cape Kunmik. The waters of Chankliut, Sutwik, and all other adjacent islands are included.

SALMON FISHERY

§ 107.2 *Closed seasons.* Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian October 1 in each year.

§ 107.3 *Weekly closed period.* The 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock postmeridian Friday of each week until 6 o'clock antemeridian of the Monday following, making a total weekly closed period of 60 hours. (43 Stat. 466; 48 U. S. C. 234)

§ 107.4 *Catch limitation, Chignik River.* The take of salmon within waters in which the runs are tributary to the Chignik River shall not exceed 50 percent of the total run as determined at the weir in Chignik River operated by the Fish

and Wildlife Service. (Sec. 2, 43 Stat. 466; 48 U. S. C. 225)

§ 107.5 *Minimum distance between units of gear.* The distance by most direct water measurement from any part of one drift gill net, set or anchored gill net, or seine to any part of another drift gill net, set or anchored gill net, seine, or to any part of any trap, shall not be less than 600 feet.

§ 107.6 *Purse seines prohibited.* Commercial fishing for salmon by means of any purse seine is prohibited.

§ 107.7 *Size of beach seines.* No beach seine shall be less than 50 fathoms or more than 100 fathoms in length measured on the cork line. No beach seine shall be less than 100 meshes or more than 200 meshes in depth. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

§ 107.8 *Motor-propelled gill net boats prohibited.* The use of motor-propelled gill-net boats in catching salmon is prohibited.

§ 107.9 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 100 fathoms hung measure.

§ 107.10 *Length of set nets.* No set or anchored gill net shall be less than 50 fathoms or more than 75 fathoms in length measured on the cork line.

§ 107.11 *Operation of set nets.* Set or anchored gill nets shall be operated in substantially a straight line: *Provided,* That not to exceed 30 yards of each net may be used as a hook. Only one such hook is permitted on a net.

§ 107.12 *Removal from water of set nets.* All set or anchored gill nets shall be removed from the water throughout the weekly closed periods extending from 6 o'clock postmeridian of Saturday of each week to 6 o'clock antemeridian of the Monday following.

§ 107.13 *Minimum distance between traps.* The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile, except in Chignik Lagoon, where there shall be a distance interval of not less than 10 statute miles laterally between any two traps on the north shore or on the south shore of Chignik Lagoon. Chignik Island shall be considered as a part of the south shore of the lagoon.

§ 107.14 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited except as follows:

(a) Along the coast of Chignik Lagoon within 2,500 feet from the outer extremity of Hume Point.

(b) Along the coast of Chignik Island within 2,500 feet from a point at 56 degrees 17 minutes 30 seconds north latitude, 158 degrees 35 minutes 38 seconds west longitude.

(c) Along the east side of the spit at the entrance to Chignik Lagoon from the southern extremity of the spit northwesterly for a distance of 5,000 feet.

(d) Along the coast on the east side of Anchorage Bay within 2,500 feet from a point at 56 degrees 19 minutes 17 seconds north latitude, 158 degrees 21 minutes 12 seconds west longitude.

(e) Along the east side of the spit on the west side of Lake Bay from the northern extremity of the spit at 56 degrees 18 minutes 53 seconds north latitude to a point at 56 degrees 18 minutes 22 seconds north latitude, 158 degrees 16 minutes 41 seconds west longitude.

(f) Along the coast on the west side of Hook Bay within 2,500 feet from a point at 56 degrees 30 minutes 54 seconds north latitude, 158 degrees 9 minutes 12 seconds west longitude.

(g) Along the coast on the west side of Aniakchak Bay beginning at a point on the coast 8,000 feet southeasterly of the mouth of the lagoon and extending southeasterly for a distance of 5,000 feet.

(h) Along the south side of Aniakchak Bay within 2,500 feet from a point at 56 degrees 39 minutes 18 seconds north latitude, 157 degrees 28 minutes west longitude.

§ 107.15 *Closed waters, Chignik Lagoon.* All commercial fishing for salmon is prohibited in Chignik Lagoon within a line from a point on the mainland at 56 degrees 17 minutes 26 seconds north latitude, 158 degrees 37 minutes 48 seconds west longitude to a point on the west side of Chignik Island at 56 degrees 17 minutes 15 seconds north latitude, 158 degrees 36 minutes 24 seconds west longitude, thence to a point on the north shore of Chignik Island at 56 degrees 17 minutes 33 seconds north latitude, 158 degrees 34 minutes 54 seconds west longitude, thence to Rocky Point on the east side of Chignik Lagoon at 56 degrees 17 minutes 30 seconds north latitude, 158 degrees 33 minutes 52 seconds west longitude.

§ 107.16 *Closed waters.* Commercial fishing for salmon is prohibited in the waters surrounding Unavikshak, Nakchamik, and Chankliut Islands.

HERRING FISHERY

§ 107.17 *Closed seasons.* Commercial fishing for herring, except for bait purposes, is prohibited in the period from January 1 to June 30, both dates inclusive, and from December 1 to December 31, both dates inclusive.

§ 107.18 *Closed waters.* During the period from June 1 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

PART 108—KODIAK AREA

DEFINITIONS

Sec.	Definition.
108.1	Definition.
108.2	Definitions, fishing districts.
	SALMON FISHERY
108.3	Open seasons, Karluk and General districts.
108.4	Open seasons, Red River district.
108.5	Open seasons, Alitak district.
108.6	Traps prohibited, September 10 to 30.
108.7	Catch limitation, Olga Bay red salmon.

- Sec.
 108.8 Catch limitation, Red River red salmon.
 108.9 Catch limitation, Karluk red salmon.
 108.10 Fishing limited, Olga and Moser Bays.
 108.11 Minimum distance between units of stationary gear.
 108.12 Marking of power boats.
 108.13 Maximum length of seine boats.
 108.14 Size of purse seines and leads.
 108.15 Operation of beach seines.
 108.16 Gear, Cape Karluk to Cape Uyak.
 108.17 Gear, Cape Karluk to Cape Alitak.
 108.18 Gear restricted to set nets, Kafia Bay.
 108.19 Total aggregate length of gill nets.
 108.20 Size and operation of set nets.
 108.21 Removal from water of set nets.
 108.22 Minimum distance between traps.
 108.23 Areas open to traps.
 108.24 Closed waters.

HERRING FISHERY

- 108.25 Closed seasons.
 108.26 Catch limitations; exceptions.
 108.27 Closed waters.

SHELLFISH FISHERY

- 108.28 Closed season on razor clams.
 108.29 Maximum take of razor clams, mainland.
 108.30 Closed season, butter clams.
 108.31 Closed season on Dungeness crabs.

AUTHORITY: §§ 108.1 to 108.31 (with the exceptions cited in parentheses following sections affected), issued under 42 Stat. 752; 48 U. S. C. 221. Special authority appears in parentheses at the end of sections affected.

DEFINITIONS

§ 108.1 *Definition.* The Kodiak area is hereby defined to include the waters of the mainland shore extending from Cape Douglas southwestward to Cape Kunmik and the territorial coastal and tributary waters of Alaska surrounding Kodiak, Afognak, and adjacent islands; including Chirikof Island and the Semidi Islands.

§ 108.2 *Definitions, fishing district.* Fishing districts in the Kodiak area are defined as follows:

(a) Alitak district: All waters of the Kodiak area in Alitak Bay and its branches within a line from Cape Trinity to Cape Alitak.

(b) Red River district: All waters of the Kodiak area from Cape Alitak to Cape Karluk.

(c) Karluk district: All waters of the Kodiak area from Cape Karluk to Broken Point.

(d) General district: All waters of the Kodiak area not defined above.

SALMON FISHERY

§ 108.3 *Open seasons, Karluk and General districts.* Commercial fishing for salmon is prohibited, except during the period specified as follows:

(a) In all waters of the General district surrounding Raspberry Island, Whale Island, Afognak Island, Marmot Island, and Shuyak Island, from 6 o'clock antemeridian July 10 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

(b) In all waters of the General district, except those included in paragraph (a) of this section, and in the Karluk district, from 6 o'clock antemeridian June 10 to 6 o'clock postmeridian August 13,

and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30: *Provided*, That the closed season from August 13 to September 10 shall not apply in the Karluk district (1) to beach seines and purse seines on the North Coast of Kodiak Island from Cape Karluk to Cape Uyak, and (2) to set or anchored gill nets on the North Coast of Kodiak Island from Cape Uyak to West Point.

§ 108.4 *Open seasons, Red River district.* Commercial fishing for salmon is prohibited except from 6 o'clock antemeridian June 10 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30: *Provided*, That the closed season from 6 o'clock postmeridian August 13 to 6 o'clock antemeridian September 10 shall not apply to set or anchored gill nets.

§ 108.5 *Open seasons, Alitak district.* Commercial fishing for salmon is prohibited except from 6 o'clock antemeridian July 5 to 6 o'clock postmeridian August 14: *Provided*, That set or anchored gill nets may be operated in the waters open to such fishing in Olga and Moser Bays in the period from 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 20.

§ 108.6 *Traps prohibited, September 10 to 30.* Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

§ 108.7 *Catch limitation, Olga Bay red salmon.* The take of red salmon within waters in which the runs are tributary to Olga Bay shall not exceed 50 percent of the total run as determined at the weirs on tributary waters of Olga Bay operated by the Fish and Wildlife Service. (Sec. 2, 43 Stat. 465; 48 U. S. C. 225)

§ 108.8 *Catch limitation, Red River red salmon.* The take of red salmon in waters extending from Cape Alitak to Cape Karluk shall not exceed 50 percent of the total run as determined at the weir in Red River operated by the Fish and Wildlife Service. (Sec. 2, 43 Stat. 465; 48 U. S. C. 225)

§ 108.9 *Catch limitation, Karluk red salmon.* The take of red salmon in Karluk waters, extending from Cape Karluk to Broken Point, shall not exceed 50 percent of the total run as determined at the weir in Karluk River operated by the Fish and Wildlife Service. The escapement of red salmon to Karluk River, as determined at the weir, shall not be less than 350,000 in the period prior to July 15, and the total escapement to Karluk River shall not be less than 700,000 red salmon. (43 Stat. 465; 48 U. S. C. 225)

§ 108.10 *Fishing limited, Olga and Moser Bays.* All commercial fishing for salmon is prohibited (a) in Olga Bay except by set or anchored gill nets along the southern shore from a point at 57 degrees 4 minutes 36 seconds north latitude, 154 degrees 20 minutes west longitude, to a point at 57 degrees 4 minutes 12 seconds north latitude, 154 degrees 7

minutes 3 seconds west longitude, and along the eastern shore from a point at 57 degrees 4 minutes 12 seconds north latitude, 154 degrees 5 minutes 27 seconds west longitude, to a point at 57 degrees 7 minutes 9 seconds north latitude, 154 degrees 5 minutes 6 seconds west longitude, exclusive of all waters within $\frac{1}{2}$ statute mile of the mouth of any salmon stream; and (b) in Moser Bay except by set or anchored gill nets south of 57 degrees north latitude.

§ 108.11 *Minimum distance between units of stationary gear.* The distance by most direct water measurement from any part of one set or anchored gill net to any part of another set or anchored gill net or to any part of any trap shall not be less than 900 feet.

§ 108.12 *Marking of power boats.* Each powered salmon fishing boat in operation shall be legibly and plainly marked with the initials or symbol of the person, company, or corporation owning, operating, or using same, together with a distinctive number which shall identify each particular boat, said letters, symbols, and numbers to be not less than 8 inches in length.

§ 108.13 *Maximum length of seine boats.* No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

§ 108.14 *Size of purse seines and leads.* No purse seine shall be less than 100 fathoms nor more than 200 fathoms in length, measured on the cork line, and at least 50 fathoms (length) thereof shall be not less than $7\frac{1}{4}$ fathoms in depth, but no part thereof shall be less than $4\frac{1}{4}$ fathoms in depth. For purpose of determining depths of seines, measurements will be upon the basis of stretched measure between knots. The extension to any seine in the way of a lead exceeding 25 fathoms in length is prohibited.

§ 108.15 *Operation of beach seines.* Beach seines shall be set from the beach only. No beach seine shall be set as a trap or as a lead and left without reasonably prompt completion of the seining operation. No beach seine shall be less than 100 fathoms nor more than 200 fathoms in length, measured on the cork line, nor less than $4\frac{1}{4}$ fathoms in depth. For purpose of determining depths of seines, measurements will be upon the basis of stretched measure between knots.

§ 108.16 *Gear, Cape Karluk to Cape Uyak.* Commercial fishing for salmon between Cape Karluk and Cape Uyak except by beach seines and purse seines is prohibited.

§ 108.17 *Gear, Cape Karluk to Cape Alitak.* Commercial fishing for salmon between Cape Karluk and Cape Alitak except by purse seines and gill nets is prohibited.

§ 108.18 *Gear restricted to set nets, Kafia Bay.* Commercial fishing for salmon in the waters of Kafia Bay between Cape Uyak and Cape Gull is prohibited except by set or anchored gill nets.

§ 108.19 *Total aggregate length of gill nets.* The total aggregate length of

gill nets used by any individual shall not exceed 150 fathoms hung measure.

§ 108.20 *Size and operation of set nets.* No set or anchored gill net shall exceed 300 yards in length, and each shall be set in substantially a straight line: *Provided*, That not to exceed 50 yards of each net may be used as a hook. Only one such hook is permitted on a net. No wire netting or other device that impedes or obstructs the free passage of fish shall be used in connection with the operation of any set or anchored gill net except that seine webbing may be used on the shore and between the lines of high and low water.

§ 108.21 *Removal from water of set nets.* All set or anchored gill nets shall be removed from the water throughout all closed periods, including the weekly closed periods extending from 6 o'clock postmeridian of Saturday of each week to 6 o'clock antemeridian of the Monday following.

§ 108.22 *Minimum distance between traps.* The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

§ 108.23 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Raspberry Island: From a point on the north coast at 58 degrees 8 minutes 45 seconds north latitude, 153 degrees 15 minutes west longitude, westward to a point at 58 degrees 9 minutes 10 seconds north latitude, 153 degrees 17 minutes 30 seconds west longitude.

(b) Raspberry Island: From Raspberry Cape at 58 degrees 3 minutes 25 seconds north latitude, 153 degrees 25 minutes 30 seconds west longitude, northeast to a point at 58 degrees 5 minutes 10 seconds north latitude, 153 degrees 23 minutes west longitude.

(c) Raspberry Island: Within 2,500 feet of a point on the south coast of Raspberry Island at 58 degrees 2 minutes 43 seconds north latitude, 153 degrees 18 minutes 54 seconds west longitude.

(d) Raspberry Island: Within 2,500 feet of a point on the south coast of Raspberry Island at 58 degrees 2 minutes 30 seconds north latitude, 153 degrees 15 minutes 17 seconds west longitude.

(e) Uganik Island: Within 2,500 feet of a point on the east coast of Uganik Island at 57 degrees 56 minutes north latitude, 153 degrees 23 minutes 11 seconds west longitude.

(f) Uganik Island: Within 2,500 feet of a point on the north coast of Uganik Island at 57 degrees 57 minutes 45 seconds north latitude, 153 degrees 30 minutes west longitude.

(g) Uganik Island: West coast from a point at 153 degrees 28 minutes west longitude to a point at 57 degrees 54 minutes 20 seconds north latitude, 153 degrees 30 minutes 30 seconds west longitude.

(h) Kodiak Island: Within 2,500 feet of a point on the west side of Uganik Bay at 57 degrees 50 minutes 45 seconds north latitude, 153 degrees 38 minutes west longitude.

(i) Kodiak Island, near entrance to Uyak Bay: Along the coast (1) within 2,500 feet of a point at 57 degrees 44 minutes 35 seconds north latitude, 153 degrees 56 minutes 30 seconds west longitude, and (2) within 5,000 feet easterly of a point at 57 degrees 41 minutes 48 seconds north latitude, 153 degrees 54 minutes 45 seconds west longitude.

(j) Kodiak Island: Along the coast (1) within 2,500 feet of a point at 57 degrees 38 minutes 51 seconds north latitude, 153 degrees 52 minutes 12 seconds west longitude, and (2) within 2,500 feet of a point at 57 degrees 37 minutes 6 seconds north latitude, 153 degrees 52 minutes 12 seconds west longitude.

(k) Kodiak Island: Within 2,500 feet of a point on the east side of Uyak Bay at 57 degrees 35 minutes 40 seconds north latitude, 153 degrees 49 minutes 30 seconds west longitude.

(l) Kodiak Island: Coast along east side of Alitak Bay within 800 feet of a point at 56 degrees 52 minutes 12 seconds north latitude, 154 degrees 0 minutes 6 seconds west longitude.

(m) Kodiak Island: Coast along east side of Deadman Bay within 800 feet of a point at 56 degrees 57 minutes 50 seconds north latitude, 153 degrees 58 minutes 33 seconds west longitude.

(n) Kodiak Island: Coast along west side of Alitak Bay within 800 feet of a point at 57 degrees 0 minutes 39 seconds north latitude, 154 degrees 2 minutes 12 seconds west longitude.

(o) Kodiak Island: Coast along west side of Alitak Bay within 800 feet of a point at 56 degrees 57 minutes 55 seconds north latitude, 154 degrees 5 minutes 28 seconds west longitude.

(p) Miller Island, Alitak Bay: Within 2,500 feet of a point on the eastern extremity of Miller Island at 56 degrees 57 minutes 15 seconds north latitude, 154 degrees 7 minutes 37 seconds west longitude.

(q) Afognak Island: Along the coast (1) within 2,500 feet of a point at 58 degrees 12 minutes 4 seconds north latitude, 153 degrees 7 minutes 40 seconds west longitude, and (2) within 2,500 feet of a point on the south side of Paramanof Bay at 58 degrees 18 minutes north latitude, 153 degrees 2 minutes 23 seconds west longitude.

§ 108.24 *Closed waters.* All commercial fishing for salmon is prohibited as follows:

(a) Portage Bay, tributary to Alitak Bay: All waters of lagoon at head of southeast arm inside of markers placed at entrance, and all waters in the northeast arm within a line from a marker on the north shore 1 statute mile from the stream in the northeast corner of the bay to a marker on the opposite shore.

(b) Deadman Bay, tributary to Alitak Bay: All waters of Deadman Bay within 1 statute mile of the head of the bay.

(c) Western shore of Kodiak Island: All waters within 1 statute mile of the mouth of Red River.

(d) Karluk River: All waters within Karluk River and within 100 yards of its mouth where it breaks through Karluk Spit into Shelikof Strait.

(e) Uyak Bay: All waters of the bay south of 57 degrees 19 minutes north latitude.

(f) Zachar Bay, tributary to Uyak Bay: All waters of Zachar Bay east of 153 degrees 44 minutes west longitude.

(g) Spiridon Bay (or northeast arm of Uyak Bay): All waters of Spiridon Bay south of 57 degrees 37 minutes 6 seconds north latitude.

(h) East Arm, Uganik Bay: All waters within the arm east of a line extending from a point at 57 degrees 42 minutes 28 seconds north latitude, 153 degrees 30 minutes west longitude, to a point at 57 degrees 43 minutes 30 seconds north latitude, 153 degrees 29 minutes 30 seconds west longitude.

(i) Terror Bay: All waters within the bay south of 57 degrees 44 minutes north latitude.

(j) Pasagshak Bay, at entrance to Uyak Bay: All waters within the bay.

(k) Ugak Bay: All waters within the bay west of 152 degrees 49 minutes west longitude.

(l) Kiluda Bay: All waters of the bay west of 153 degrees 7 minutes west longitude.

(m) Old Harbor, Sitkalidak Strait: All waters within 1 statute mile of the mouth of the stream approximately 1 statute mile northeast of Old Harbor, Sitkalidak Strait.

(n) All bays of Afognak Island: All waters of the bays within lines indicated by markers erected for the purpose.

(o) Kafia Bay, on north shore of Shelikof Strait: All waters within 1 statute mile outside the entrance of the outer lagoon.

(p) Little River, west of Cape Ugat: All waters within 1 statute mile of the mouth of the stream.

(q) Kizhuyak Bay: (1) All waters within one-half mile of the mouth of an unnamed stream entering the bay at approximately 57 degrees 49 minutes north latitude, and (2) all waters south of 57 degrees 44 minutes 12 seconds north latitude.

(r) All waters within 3,000 feet of the shores of Karluk Reservation (Public Land Order No. 128, May 22, 1943), beginning at a point on the east shore of Shelikof Strait, on Kodiak Island, latitude 57°32'30" N., thence northeasterly along said shore to a point 57°39'40" N.

The foregoing prohibition shall not apply to fishing by natives in possession of said reservation, nor to fishing by other persons under authority granted by said natives (49 Stat. 1250; 48 U. S. C. 358a). Such authority shall be granted only by or pursuant to ordinance of the Native Village of Karluk, approved by the Secretary of the Interior or his duly authorized representative.

(s) Barling Bay: All waters west of a line extending from a point at 57 degrees 11 minutes 36 seconds north latitude, 153 degrees 23 minutes west longitude, to a point at 57 degrees 11 minutes 48 seconds north latitude, 153 degrees 22 minutes 21 seconds west longitude.

(t) Shearwater Bay: All waters north of a line extending from a point at 57 degrees 20 minutes 12 seconds north latitude, 152 degrees 53 minutes 12 seconds west longitude, to a point at 57 degrees 20 minutes 34 seconds north lati-

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tude, 152 degrees 53 minutes 55 seconds west longitude.

(u) Kalsin Bay: All waters south of 57 degrees 35 minutes 45 seconds north latitude.

(v) Middle Bay: All waters west of 152 degrees 29 minutes west longitude.

(w) Anton Larsen Bay: All waters south of 57 degrees 50 minutes 48 seconds north latitude.

(x) Sharatin Bay: All waters south of 57 degrees 49 minutes 42 seconds north latitude.

HERRING FISHERY

§ 108.25 *Closed seasons.* Commercial fishing for herring, except for bait and except by gill nets, is prohibited in the hereinafter-described quota area prior to July 1 and after October 15 in each calendar year: *Provided*, That in the waters of the quota area in Shelikof Strait south of the latitude of Cape Uyak such fishing is prohibited prior to June 15 and after October 15 in each calendar year. In the remainder of the Kodiak area, commercial fishing for herring, except for bait and except by gill nets, is prohibited prior to June 1 and after October 15 in each calendar year.

§ 108.26 *Catch limitations; exceptions.* The total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 390,000 barrels, upon the basis of 250 pounds per barrel, in the waters of Shelikof Strait southeast of a line extending down the middle of the Strait from the latitude of Point Banks to the latitude of Cape Alitak and in all contiguous waters, including the waters of Kupreanof and Raspberry Straits eastward to the western extremity of Whale Island and the waters of Shuyak Strait. The above-defined area in Shelikof Strait and contiguous waters shall be described as the Kodiak quota area.

§ 108.27 *Closed waters.* During the period from July 15 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

SHELLFISH FISHERY

§ 108.28 *Closed season on razor clams.* The taking of razor clams for commercial purposes is prohibited from July 15 to September 15, both dates inclusive, in each calendar year.

§ 108.29 *Maximum take of razor clams, mainland.* Along the mainland coast and nearby islands from Cape Kuliak to Cape Douglas, there shall not be taken in any calendar year a total of more than 500,000 pounds of razor clams, including shells, or 12,500 cases upon the basis of 48 one-half pound cans per case.

§ 108.30 *Closed season, butter clams.* The taking of butter clams for commercial purposes is prohibited in the period from June 1 to September 1, both dates inclusive, in each calendar year.

§ 108.31 *Closed season on Dungeness crabs.* Commercial fishing for Dungeness crabs is prohibited from June 1 to August 14, both dates inclusive.

PART 109—COOK INLET AREA

DEFINITION

Sec.	Definition.
109.1	SALMON FISHERY
109.2	Open seasons.
109.3	Fishing prohibited in small bays.
109.4	Purse seines prohibited.
109.5	Size of beach seines.
109.6	Operation of drift gill nets.
109.7	Total aggregate length of gill nets.
109.8	Marking of gill nets.
109.9	Operation of set nets.
109.10	Total aggregate length of set nets.
109.11	Removal from water of set nets.
109.12	Minimum distance between units of stationary gear.
109.13	Minimum distance between traps.
109.14	Construction of hand traps.
109.15	Areas open to traps.
109.16	Closed waters.

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109.17	Closed seasons.
109.18	Closed waters.
109.19	Gear restriction, Halibut Cove.
109.20	Gear restriction, Halibut Cove Lagoon.
109.21	Waters closed to pounds.
109.22	Waters closed to purse seines.

SHELLFISH FISHERY

109.23	Closed season on razor clams.
109.24	Closed season on Dungeness crabs.

AUTHORITY: §§ 109.1 to 109.24 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION

§ 109.1 *Definition.* The Cook Inlet area is hereby defined to include Cook Inlet, its tributary waters, and all adjoining waters north of Cape Douglas and west of Point Gore. The Barren Islands are included within this area.

SALMON FISHERY

§ 109.2 *Open seasons.* (a) Between the latitude of the established stream marker marking the south limit of the closed area around the mouth of the Kaslof River at approximately 60 degrees 22 minutes 23 seconds north latitude to the latitude of Anchor Point Light, exclusive of all waters adjacent to Kalgin Island, commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 20 and after 6 o'clock postmeridian August 8 in each year: *Provided*, That this prohibition shall not apply to the use of gill nets from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 10.

(b) South of the latitude of Anchor Point Light commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 25 and after 6 o'clock postmeridian August 12 in each year: *Provided*, That this prohibition shall not apply to the use of beach seines or gill nets from 6 o'clock antemeridian August 24 to 6 o'clock postmeridian September 10.

(c) North of the latitude of the marker marking the south limit around the mouth of the Kaslof River, as described herein under paragraph (a), including all waters adjacent to Kalgin Island, commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian June 25 and after 6 o'clock postmeridian

August 8 in each year: *Provided*, That this prohibition shall not apply (1) after 6 o'clock antemeridian May 20 to the use of gear having mesh not less than 8½ inches stretched measure between knots, or to gill nets of which not to exceed 35 fathoms in use by any individual or on any boat may have mesh less than 8½ inches stretched measure between knots, and (2) from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 10 to the use of gill nets.

§ 109.3 *Fishing prohibited in small bays.* Commercial fishing for salmon in any bay, estuary, slough, or lagoon less than 300 feet in width at mean low tide is prohibited.

§ 109.4 *Purse seines prohibited.* The use of purse seines for the capture of salmon is prohibited.

§ 109.5 *Size of beach seines.* No beach seine shall be less than 125 meshes in depth or less than 90 fathoms in length measured on the cork line. For the purpose of determining the depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

§ 109.6 *Operation of drift gill nets.* Drift gill nets shall be operated without the attachment of anything to obstruct their free movement through the water at all times.

§ 109.7 *Total aggregate length of gill nets.* The total aggregate length of drift gill nets on any salmon fishing boat or in use by such boat shall not exceed 200 fathoms hung measure.

§ 109.8 *Marking of gill nets.* Each gill net in operation shall be marked by a cluster of bright red floats or corks at the ends, and bright red double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters at the ends shall also be legibly and plainly marked with the initials of the operator. In addition, each end of a set or anchored gill net shall be marked by a buoy of wood or metal of sufficient buoyancy to float in plain view at all times. Each buoy shall be legibly and plainly marked with the name or initials of the operator and the number of the boat used in the operation of the net to which it is attached, said lettering and numbering to consist of black figures and letters not less than 4 inches in length, painted on red background.

§ 109.9 *Operation of set nets.* Set or anchored gill nets shall be operated in substantially a straight line: *Provided*, That not to exceed 20 yards of each net may be used as a hook. Only one such hook is permitted on a net.

§ 109.10 *Total aggregate length of set nets.* No set or anchored gill net shall exceed 35 fathoms in length measured on the cork line. The total aggregate length of set or anchored gill nets used by any individual or operated from any boat shall not exceed 105 fathoms. South of the latitude of Anchor Point, seine webbing not exceeding 30 fathoms in length may be used on the shore end of any set or anchored gill net between the lines of high and low water.

§ 109.11 *Removal from water of set nets.* All set or anchored gill nets shall be removed from the water throughout the weekly closed periods extending from 6 o'clock postmeridian of Saturday of each week to 6 o'clock antemeridian of the Monday following.

§ 109.12 *Minimum distance between units of stationary gear.* The distance by most direct water measurement from any part of one set or anchored gill net to any part of another set or anchored gill net or trap shall not be less than 600 feet.

§ 109.13 *Minimum distance between traps.* The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 2,500 feet.

§ 109.14 *Construction of hand traps.* Twenty-five feet of the heart walls next to the pot of each hand trap shall be constructed of flexible webbing other than wire.

§ 109.15 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Along the mainland coast on the west side of Cook Inlet (1) within 500 feet of a point at 61 degrees 9 minutes 12 seconds north latitude, 151 degrees 3 minutes 24 seconds west longitude; (2) within 300 feet of a point at 61 degrees 7 minutes 21 seconds north latitude, 151 degrees 5 minutes 25 seconds west longitude; (3) from 61 degrees 2 minutes 16 seconds north latitude, 151 degrees 13 minutes 15 seconds west longitude, to 61 degrees 2 minutes 14 seconds north latitude, 151 degrees 15 minutes 18 seconds west longitude; (4) from 61 degrees 0 minutes 25 seconds north latitude, 151 degrees 22 minutes 15 seconds west longitude, to 61 degrees 0 minutes 38 seconds north latitude, 151 degrees 24 minutes 34 seconds west longitude; (5) Within 1,000 feet of a point at 60 degrees 46 minutes 2 seconds north latitude, 151 degrees 44 minutes 32 seconds west longitude; and (6) within 1,000 feet of a point at 60 degrees 24 minutes north latitude, 152 degrees 15 minutes 40 seconds west longitude.

(b) Along the east coast of Chisik Island within 1,000 feet of a point at 60 degrees 8 minutes 10 seconds north latitude, 152 degrees 33 minutes 55 seconds west longitude.

(c) Along the north coast of Kalgin Island (1) within 1,000 feet of a point at 60 degrees 30 minutes 25 seconds north latitude, 151 degrees 57 minutes 22 seconds west longitude; (2) within 1,000 feet of a point at 60 degrees 30 minutes 20 seconds north latitude, 151 degrees 54 minutes 48 seconds west longitude; and (3) within 1,000 feet of a point at 60 degrees 29 minutes 54 seconds north latitude, 151 degrees 53 minutes 30 seconds west longitude.

(d) Along the east coast of Kalgin Island within 300 feet of a point at 60 degrees 26 minutes 38 seconds north latitude, 151 degrees 53 minutes 33 seconds west longitude.

(e) Along the west coast of Kalgin Island within 1,000 feet of a point at 60 degrees 21 minutes 33 seconds north latitude, 152 degrees 4 minutes 18 seconds west longitude.

(f) Along the mainland coast on the east side of Cook Inlet (1) within 1,000 feet of a point at 61 degrees 1 minute 30 seconds north latitude, 150 degrees 25 minutes 30 seconds west longitude; (2) within 1,000 feet of a point at 61 degrees 1 minute north latitude, 150 degrees 27 minutes 7 seconds west longitude; (3) within 1,000 feet of a point at 60 degrees 59 minutes 42 seconds north latitude, 150 degrees 32 minutes west longitude; (4) within 1,000 feet of a point at 60 degrees 59 minutes north latitude, 150 degrees 34 minutes 48 seconds west longitude; (5) within 1,000 feet of a point at 60 degrees 57 minutes 40 seconds north latitude, 150 degrees 39 minutes west longitude; (6) within 1,000 feet of a point at 60 degrees 56 minutes 10 seconds north latitude, 150 degrees 42 minutes 52 seconds west longitude; and (7) within 1,200 feet of a point at 60 degrees 55 minutes 22 seconds north latitude, 150 degrees 44 minutes 40 seconds west longitude.

(g) Along the mainland coast on the east side of Cook Inlet from a point south of Boulder Point at 60 degrees 46 minutes north latitude, 151 degrees 16 minutes west longitude, southerly to a point at 60 degrees 44 minutes 15 seconds north latitude, 151 degrees 19 minutes west longitude.

(h) Along the mainland coast on the east side of Cook Inlet from a point at 60 degrees 40 minutes north latitude, 151 degrees 23 minutes 13 seconds west longitude, southeasterly to a point at 60 degrees 35 minutes 15 seconds north latitude, 151 degrees 20 minutes 30 seconds west longitude.

(i) Along the mainland coast on the east side of Cook Inlet from a point south of Kenai River at 60 degrees 28 minutes 58 seconds north latitude, 151 degrees 17 minutes 11 seconds west longitude, southerly to a point at 60 degrees 26 minutes 3 seconds north latitude, 151 degrees 17 minutes 30 seconds west longitude.

(j) Along the mainland coast on the east side of Cook Inlet within 1,000 feet of a point at 60 degrees 19 minutes 49 seconds north latitude, 151 degrees 23 minutes 24 seconds west longitude.

(k) Along the mainland coast on the east side of Cook Inlet (1) from a point at 60 degrees 16 minutes 45 seconds north latitude, 151 degrees 23 minutes 30 seconds west longitude, southerly to a point at 60 degrees 15 minutes 30 seconds north latitude, 151 degrees 23 minutes 45 seconds west longitude; and (2) within 1,000 feet of a point at 60 degrees 14 minutes 41 seconds north latitude, 151 degrees 24 minutes 5 seconds west longitude.

(l) Along the mainland coast on the east side of Cook Inlet (1) from a point at 60 degrees 13 minutes north latitude, 151 degrees 25 minutes 15 seconds west longitude, southerly to a point at 60 degrees 12 minutes 15 seconds north latitude; (2) from a point at 60 degrees 11 minutes 13 seconds north latitude, southerly to a point at 60 degrees 11 minutes 5 seconds north latitude; (3) from a point at 60 degrees 10 minutes 15 seconds north latitude, 151 degrees 29 minutes 15 seconds west longitude, southerly to a point at 60 degrees 8 minutes 30 seconds north latitude, 151 degrees 31 minutes 40 seconds west longitude; and

(4) within 1,000 feet of a point at 60 degrees 7 minutes 48 seconds north latitude, 151 degrees 32 minutes 42 seconds west longitude.

(m) Along the mainland coast on the east side of Cook Inlet from a point at 60 degrees 7 minutes north latitude, 151 degrees 34 minutes 20 seconds west longitude, southerly to a point at 60 degrees 4 minutes 30 seconds north latitude, 151 degrees 38 minutes 30 seconds west longitude.

(n) Along the mainland coast on the east side of Cook Inlet (1) within 1,000 feet of a point at 59 degrees 59 minutes 30 seconds north latitude, 151 degrees 43 minutes 40 seconds west longitude; and (2) within 1,000 feet of a point at 59 degrees 54 minutes 5 seconds north latitude, 151 degrees 46 minutes 26 seconds west longitude.

(o) Along the mainland coast on the east side of Cook Inlet south of Cape Starichkof within 1,000 feet of a point at 59 degrees 51 minutes 4 seconds north latitude.

(p) Along the mainland coast on the east side of Cook Inlet between Anchor Point and Bluff Point within 1,200 feet of a point at 59 degrees 41 minutes 38 seconds north latitude, 151 degrees 46 minutes 48 seconds west longitude.

(q) Along the mainland coast on the east side of Cook Inlet on the west side of Nubble Point Spit within 1,200 feet of a point at 59 degrees 28 minutes 45 seconds north latitude, 151 degrees 35 minutes 6 seconds west longitude.

(r) Along the mainland coast on the east side of Cook Inlet from a point at 59 degrees 26 minutes 30 seconds north latitude, 151 degrees 46 minutes west longitude, westerly to a point at 59 degrees 26 minutes 40 seconds north latitude, 151 degrees 46 minutes 45 seconds west longitude.

(s) Along the mainland coast on the east side of Cook Inlet east of Flat Island within 1,200 feet of a point at 59 degrees 19 minutes 36 seconds north latitude, 151 degrees 58 minutes 4 seconds west longitude.

§ 109.16 *Closed waters.* All commercial fishing is prohibited, as follows:

(a) Within 1 statute mile of the mouths of the following salmon streams: Kenai River, Kaslof River, Swanson Creek, Bishop Creek, Ninilchik River, Deep Creek, Starichkof River, Anchor Point River, Little Susitna River, Susitna River, Ivan River, Lewis River, Theodore River, Beluga River, Threemile Creek, Chuit River, Nikolai River, McArthur River, Kustatan River, Katnu River, Drift River, and Kalgin Island Stream on the east coast of Kalgin Island.

(b) Turnagain Arm and Knik Arm: All waters east of a line extending from Point Possession at 61 degrees, 2 minutes 10 seconds north latitude, 150 degrees 24 minutes 5 seconds west longitude to West Point Light on Fire Island, thence along the eastern shore of Fire Island to North Point, thence to Point Mackenzie at 61 degrees 14 minutes 10 seconds north latitude, 150 degrees west longitude.

(c) Kamishak Bay: All waters within a straight line extending between the markers on each side of the channel at the entrance to the lagoon at the mouth of McNeil Creek, and all waters within 1

statute mile of the mouth of Chinik Creek.

(d) Kachemak Bay: All waters above a line from Chugachik Island to a point on the opposite shore one-half mile below the mouth of Swift Creek.

HERRING FISHERY

§ 109.17 *Closed seasons.* Commercial fishing for herring, except for bait and except by gill nets, is prohibited from January 1 to May 31, and from October 15 to December 31, all dates inclusive.

§ 109.18 *Closed waters.* During the period from July 1 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

§ 109.19 *Gear restriction, Halibut Cove.* Commercial fishing for herring in Halibut Cove, including the waters within a line from the western end of Ismallof Island to the outermost point on Glacier Spit, is limited to gill nets.

§ 109.20 *Gear restriction, Halibut Cove Lagoon.* Commercial fishing for herring in Halibut Cove Lagoon is limited to set gill nets not exceeding 50 fathoms in length, hung measure. All such nets shall be not less than 150 yards apart.

§ 109.21 *Waters closed to pounds.* The maintaining of a herring pound in the waters of Halibut Cove and Lagoon is prohibited.

§ 109.22 *Waters closed to purse seines.* The use of purse seines for the capture of herring is prohibited in Kachemak Bay and tributary waters within a line from Nubble Point to Bluff Point.

SHELLFISH FISHERY

§ 109.23 *Closed season on razor clams.* The taking of razor clams for commercial purposes is prohibited during the period from July 10 to August 31, both dates inclusive, in each calendar year.

§ 109.24 *Closed season on Dungeness crabs.* Commercial fishing for the Dungeness crabs is prohibited from June 1 to August 14, both dates inclusive.

PART 110—RESURRECTION BAY AREA

DEFINITION

Sec.
110.1 Definition.

SALMON FISHERY

110.2 Opening date for red salmon fishing.
110.3 Closed season.
110.4 Weekly closed period.
110.5 Registration and reporting of boats, Resurrection Bay.
110.6 Maximum length of seine boats.
110.7 Size of purse seines and leads.
110.8 Total aggregate length of gill nets.
110.9 Size of mesh, gill nets.
110.10 Size and operation of set nets.
110.11 Traps prohibited.
110.12 Closed waters.

HERRING FISHERY

110.13 Closed seasons.
110.14 Closed waters.
110.15 Catch limitations, June 15 to August 20.

AUTHORITY: §§ 110.1 to 110.15 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION

§ 110.1 *Definition.* The Resurrection Bay area is hereby defined to include all territorial coastal and tributary waters of the Gulf of Alaska between Point Gore on the west and Cape Fairfield on the east.

SALMON FISHERY

§ 110.2 *Opening date for red salmon fishing.* Prior to 6 o'clock antemeridian May 25 in each year, commercial fishing for salmon with nets of mesh less than 8½ inches stretched measure between knots is prohibited.

§ 110.3 *Closed season.* Commercial fishing for salmon is prohibited during the remainder of each calendar year after 6 o'clock postmeridian September 15.

§ 110.4 *Weekly closed period.* In the waters of Resurrection Bay within a line from Cape Resurrection to the western side of Bear Glacier at its mouth, the 36-hour closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian of Saturday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 48 hours: *Provided,* That this extension shall not be effective after August 23 in each year.

§ 110.5 *Registration and reporting of boats, Resurrection Bay.* In the period after August 7, all fishing boats, other than trollers, entering the Resurrection Bay area shall be registered with the local Fish and Wildlife Service representative prior to engaging in fishing, and thereafter shall report daily the number of salmon caught, the place of capture, and disposition of the catch.

§ 110.6 *Maximum length of seine boats.* No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

§ 110.7 *Size of purse seines and leads.* No purse seine shall be less than 9½ fathoms nor more than 17 fathoms in depth, nor less than 125 fathoms nor more than 150 fathoms measured along the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of stretched measure between knots. The extension to any seine in the way of a lead exceeding 75 fathoms in length is prohibited.

§ 110.8 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure.

§ 110.9 *Size of mesh, gill nets.* King salmon nets shall have a mesh at least 8½ inches stretched measure between knots, and red salmon nets shall have a mesh at least 5½ inches stretched measure between knots, as measured when actually in use.

§ 110.10 *Size and operation of set nets.* No set or anchored gill net shall exceed 300 yards in length, and each shall be set in substantially a straight line: *Provided,* That not to exceed 20 yards of each net may be used as a hook. Only one such hook is permitted on a net. There shall be a distance interval of at least 200

yards, both endwise and laterally, at all times between all set or anchored gill nets operated.

§ 110.11 *Traps prohibited.* The use of any trap for the capture of salmon is prohibited.

§ 110.12 *Closed waters to salmon fishing.* Commercial fishing for salmon within 1,000 yards of the mouths of Bear Creek and Resurrection River is prohibited at all times; and in the period from June 7 to August 23, both dates inclusive, commercial fishing for salmon is prohibited within 1,700 yards of the mouths of these streams.

HERRING FISHERY

§ 110.13 *Closed seasons.* Commercial fishing for herring, except for bait and except by gill nets, is prohibited from January 1 to June 14 and from October 15 to December 31, all dates inclusive.

§ 110.14 *Closed waters.* During the period from July 1 to October 1, both dates inclusive, commercial fishing for herring including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

§ 110.15 *Catch limitations, June 15 to August 20.* In the period from June 15 to August 20, both dates inclusive, there shall not be taken for commercial purposes, except for bait and except by gill nets, in the Resurrection Bay area as defined in § 110.1 and in the Prince William Sound area as defined in § 111.1 of this chapter, a combined total of more than 180,000 barrels on the basis of 250 pounds per barrel. It is the intent of this section to establish a single quota area embracing the waters of the Prince William Sound and Resurrection Bay areas as defined in §§ 110.1 and 111.1 of this chapter.

PART 111—PRINCE WILLIAM SOUND AREA

DEFINITION

Sec.

111.1 Definition.

SALMON FISHERY

111.2 Open seasons.
111.3 Weekly closed period.
111.4 Maximum length of seine boats.
111.5 Size of purse seines and leads.
111.6 Waters closed to seines, Granite Bay to Port Nellie Juan.
111.7 Total aggregate length of gill nets.
111.8 Size and operation of set nets.
111.9 Gear restricted to set nets, Port Valdez.
111.10 Minimum distance between traps.
111.11 Areas open to traps.
111.12 Closed waters.

HERRING FISHERY

111.13 Closed seasons.
111.14 Catch limitations, June 15 to August 20.
111.15 Closed waters.
111.16 Closed waters, Tatitlek village.

SHELLFISH FISHERY

111.17 Closed season on razor clams.
111.18 Maximum take of razor clams, January 1 to June 30.
111.19 Maximum take of razor clams, August 16 to December 31.
111.20 Closed season on Dungeness crabs.

AUTHORITY: §§ 111.1 to 111.20 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION

§ 111.1 *Definition.* The Prince William Sound area is hereby defined to include all territorial coastal and tributary waters of the Gulf of Alaska between Cape Fairfield on the west and Point Whited on the east.

SALMON FISHERY

§ 111.2 *Open seasons.* Commercial fishing for salmon, other than trolling, is prohibited except from 6 o'clock antemeridian July 1 in each odd-numbered year, and 6 o'clock antemeridian July 20 in each even-numbered year, to 6 o'clock postmeridian August 7: *Provided*, That set or anchored gill nets may be operated in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance of Port Nellie Juan from 6 o'clock postmeridian August 7 to 6 o'clock postmeridian August 22.

§ 111.3 *Weekly closed period.* The 36-hour closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian of Saturday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 48 hours.

§ 111.4 *Maximum length of seine boats.* No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

§ 111.5 *Size of purse seines and leads.* No purse seine shall be less than 9½ fathoms nor more than 17 fathoms in depth, nor less than 125 fathoms nor more than 150 fathoms in length measured along the cork line. For purpose of determining depths of seines, measurements will be upon the basis of stretched measure between knots. The extension to any seine in the way of a lead exceeding 75 fathoms in length is prohibited.

§ 111.6 *Waters closed to seines, Granite Bay to Port Nellie Juan.* The use of purse seines and beach seines for the capture of salmon is prohibited in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan.

§ 111.7 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure.

• § 111.8 *Size and operation of set nets.* No set or anchored gill net shall exceed 300 yards in length and each shall be set in substantially a straight line: *Provided*, That not to exceed 20 yards of each net may be used as a hook. Only one such hook is permitted on a net. There shall be a distance interval of at least 200 yards, both endwise and laterally, at all times between all set or anchored gill nets operated.

§ 111.9 *Gear restricted to set nets, Port Valdez.* Commercial fishing for salmon in Port Valdez east of 146 degrees

40 minutes west longitude is limited entirely to set or anchored gill nets of not to exceed 300 yards each in length.

§ 111.10 *Minimum distance between traps.* The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1½ statute miles.

§ 111.11 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Knight Island: From a point on the southeast coast at 60 degrees 9 minutes 50 seconds north latitude southerly to Point Helen, thence northerly to 60 degrees 11 minutes 15 seconds north latitude, 147 degrees 50 minutes 40 seconds west longitude, exclusive of all waters in Little Bay.

(b) Along the coast of Squire Island within ½ statute mile of its southern extremity.

(c) Bainbridge Island: Within 2,500 feet of a point at 60 degrees 11 minutes 32 seconds north latitude, 148 degrees 3 minutes west longitude.

(d) Eastern coast of Chenega Island from a point 1 statute mile southward of its northern extremity to a point 1 statute mile eastward of Chenega village.

(e) Mainland coast within 2,500 feet westerly of a point at 60 degrees 24 minutes 48 seconds north latitude, 147 degrees 58 minutes 18 seconds west longitude.

(f) Knight Island: East coast within 2,500 feet of a point at 60 degrees 21 minutes 55 seconds north latitude, 147 degrees 37 minutes 29 seconds west longitude.

(g) Eastern coast of Culross Island: From the northern side of the entrance to Hidden Bay northerly to a point at 60 degrees 43 minutes 45 seconds north latitude, 148 degrees 6 minutes 35 seconds west longitude.

(h) Western side of Valdez Arm (1) within 2,500 feet of a point at 60 degrees 55 minutes 40 seconds north latitude, 146 degrees 58 minutes 35 seconds west longitude, and (2) from 60 degrees 58 minutes north latitude to 60 degrees 59 minutes north latitude.

(i) Southwest coast of Bligh Island (1) within 2,500 feet of a point at 60 degrees 48 minutes 56 seconds north latitude, 146 degrees 49 minutes 23 seconds west longitude, and (2) within 2,500 feet of a point 60 degrees 48 minutes 28 seconds north latitude, 146 degrees 45 minutes 15 seconds west longitude.

(j) Within ½ statute mile of the southwestern extremity of Bidarka Point.

(k) From a point on the east side of Landlocked Bay at 60 degrees 49 minutes north latitude to a point on the north shore of Port Fidalgo at 146 degrees 32 minutes west longitude.

(l) Within ½ statute mile of Porcupine Point.

(m) Mainland coast, near Knowles Head, within 2,500 feet of a point at 60 degrees 41 minutes 30 seconds north latitude, 146 degrees 40 minutes 22 seconds west longitude.

(n) Within 1 statute mile of Red Head.

(o) From a point on the coast 1 statute mile northwestward of the light at Gravina Point to a point on the coast 2 statute miles northwestward of the light at Gravina Point, making an open space of 1 statute mile.

(p) Along the coast within 1 statute mile southwesterly of the outer point on the southwest side of the entrance to Cedar Bay, Hawkins Island.

(q) Within 1 statute mile of Makaka Point, Hawkins Island.

(r) Hinchinbrook Island: Within 3,000 feet, measured westerly along the north side of a peninsula, from a point at 60 degrees 28 minutes 47 seconds north latitude, 146 degrees 23 minutes 27 seconds west longitude.

(s) Hinchinbrook Island: Within 3,000 feet, measured easterly along the coast, from a point at 60 degrees 27 minutes 58 seconds north latitude, 146 degrees 27 minutes west longitude, on the north side of a spit.

(t) Hinchinbrook Island: Within 2,500 feet, measured along the coast, from a point at 60 degrees 28 minutes 54 seconds north latitude, 146 degrees 32 minutes 11 seconds west longitude.

(u) Hinchinbrook Island: From a point on the coast at 60 degrees 27 minutes north latitude, 146 degrees 39 minutes 48 seconds west longitude, northward to the light at Johnstone Point.

(v) Hinchinbrook Island: Within 2,500 feet of a point at 60 degrees 24 minutes 38 seconds north latitude, 146 degrees 42 minutes 30 seconds west longitude.

(w) Hinchinbrook Island: Within ½ statute mile eastward of a point on the south side of Port Etches at 146 degrees 40 minutes west longitude.

(x) Montague Island: Along the coast from a point on the south side of MacLeod Harbor at 59 degrees 52 minutes 10 seconds north latitude, 147 degrees 51 minutes west longitude, to a point at 59 degrees 52 minutes north latitude, 147 degrees 52 minutes west longitude.

(y) Montague Island: Along the coast (1) from Point Woodcock northerly for a distance of 6,000 feet, and (2) within 3,000 feet of a point south of Hanning Bay at 59 degrees 56 minutes 34 seconds north latitude, 147 degrees 45 minutes 15 seconds west longitude.

(z) Western coast of Montague Island (1) from Point Basil on the north side of the entrance to Hanning Bay northeasterly to 60 degrees 0 minutes 30 seconds north latitude, and (2) from 60 degrees 7 minutes 18 seconds north latitude northeasterly to 60 degrees 9 minutes 45 seconds north latitude (as shown on U. S. Coast and Geodetic Survey Chart No. 8551).

(aa) Western coast of Montague Island from 60 degrees 11 minutes 20 seconds north latitude to 60 degrees 11 minutes 55 seconds north latitude.

(bb) Montague Island: Northern coast from Graveyard Point to a point at 60 degrees 21 minutes 41 seconds north latitude, 147 degrees 9 minutes 47 seconds west longitude.

§ 111.12 *Closed waters.* All commercial fishing for salmon is prohibited, as follows:

(a) Constantine Harbor, northwest arm of Port Etches: All waters within the harbor and its tributary waters and within 100 yards outside the narrows at the entrance to the harbor.

(b) Boswell Bay, indenting Hinchinbrook Island: All waters in the bay west of 146 degrees 8 minutes west longitude.

(c) Sheep Bay: All waters within 1,000 yards of the mouth of the stream at the head of the bay.

(d) Gravina River: All waters within 1,000 yards of the mouth of the river.

(e) Olsen Bay, north side of Port Gravina: All waters within 2,000 yards of the mouth of the stream flowing into the head of the bay.

(f) St. Matthew Bay, north side of Port Gravina: All waters within 2,000 yards of the mouth of the stream flowing into the head of the bay.

(g) Irish Cove, south side of Port Fidalgo: All waters within the cove south of 60 degrees 46 minutes north latitude.

(h) Whalen Bay, south side of Port Fidalgo: All waters east of 146 degrees 15 minutes 30 seconds west longitude.

(i) Fish Bay, north side of Port Fidalgo: All waters within 1,000 yards of the mouth of the stream at the head of the bay.

(j) Galena Bay, east side of Valdez Arm: All waters within a line from a point on the coast at 60 degrees 55 minutes 30 seconds north latitude, 146 degrees 38 minutes 30 seconds west longitude, northeasterly to a point on the coast at 60 degrees 56 minutes 17 seconds north latitude, 146 degrees 36 minutes 30 seconds west longitude, and all waters within 1,000 yards of the mouth of Indian Creek.

(k) Jack Bay, east side of Valdez Arm: All waters east of 146 degrees 36 minutes west longitude.

(l) Robe River, Lowe River, and all other streams flowing into Port Valdez in the immediate vicinity of Valdez: All waters within 1 statute mile of the mouths.

(m) Long Bay and its tributaries, indenting mainland on north shore of Prince William Sound: All waters within 1,000 yards of the mouth of any salmon stream.

(n) Unakwik Inlet and tributary waters, indenting mainland on north shore of Prince William Sound: All waters within 1,000 yards of the mouth of any salmon stream.

(o) Wells Passage and tributary waters indenting mainland on north shore of Prince William Sound: All waters north of 61 degrees north latitude and within 1 statute mile of the mouth of any salmon stream in Wells Passage and its tributaries, including Port Wells, Cochran Bay, Blackstone Bay, and Passage Canal.

(p) Long Bay, tributary to Culross Passage: All waters within the bay.

(q) Gumboot Creek, on northwest shore of Eshamy Bay: All waters within 1,000 yards of the mouth of the creek.

(r) Eshamy Lagoon and its tributary waters: All waters within the lagoon and its tributaries and within 100 yards outside the narrows at the entrance to the lagoon.

(s) Jackpot Bay: All waters within a line, indicated by markers, located at the entrance to the narrows in the bay.

(t) Port Bainbridge: All waters in the middle north arm of Port Bainbridge.

(u) Beartrap Bay, Port Gravina: All waters within 1,000 yards of the mouth of the stream at the head of the bay.

(v) Shelter Bay, west shore of Hinchinbrook Island: All waters within 1,000 yards of the mouth of the stream at the head of the bay.

HERRING FISHERY

§ 111.13 *Closed seasons.* Commercial fishing for herring, except for bait and except by gill nets, is prohibited from January 1 to June 14, and from October 16 to December 31, all dates inclusive.

§ 111.14 *Catch limitations, June 15 to August 20.* In the period from June 15 to August 20, both dates inclusive, there shall not be taken for commercial purposes, except for bait and except by gill nets, in the Prince William Sound area as defined in § 111.1 and in the Resurrection Bay area as defined in § 110.1 of this chapter, a combined total of more than 180,000 barrels, on the basis of 250 pounds per barrel. It is the intent of this section to establish a single quota area embracing the waters of the Prince William Sound and Resurrection Bay areas as defined in §§ 111.1 and 110.1 of this chapter.

§ 111.15 *Closed waters.* During the period from July 1 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

§ 111.16 *Closed waters, Tatitlek village.* Commercial fishing for herring, including bait fishing, is prohibited within 1 statute mile of Tatitlek village.

SHELLFISH FISHERY

§ 111.17 *Closed season on razor clams.* The taking of razor clams for commercial purposes is prohibited from July 1 to August 15, both dates inclusive, in each calendar year.

§ 111.18 *Maximum take of razor clams, January 1 to June 30.* In the open season from January 1 to June 30, both dates inclusive, there shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 1,400,000 pounds of razor clams, including shells, or 40,000 cases upon the basis of 48 one-half pound cans per case. Not to exceed 175,000 pounds, including shells, or 5,000 cases upon the basis of 48 one-half pound cans per case, shall be taken prior to April 15.

§ 111.19 *Maximum take of razor clams, August 16 to December 31.* In the open season from August 16 to December 31, both dates inclusive, there shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 105,000 pounds of razor clams, including shells, or 3,000 cases upon the basis of 48 one-half pound cans per case.

§ 111.20 *Closed season on Dungeness crabs.* Commercial fishing for Dungeness crabs is prohibited from June 1

to August 14, both dates inclusive; *Provided*, That this closed season shall extend through September 15 in the waters of Orca Inlet between Salmo Point and the Cordova City dock.

PART 112—COPPER RIVER AREA

DEFINITION

Sec.	Definition.
112.1	SALMON FISHERY
112.2	Closed seasons.
112.3	Opening date, red-salmon fishing.
112.4	Closing date.
112.5	Weekly closed period.
112.6	Limited to drift gill nets.
112.7	Marking of gill nets.
112.8	Total aggregate length of gill nets.
112.9	Trailing of web by fishing boats.
112.10	Operation of anchored gill nets.
112.11	Closed waters.

SHELLFISH FISHERY

112.12	Closed season on razor clams.
112.13	Maximum take of razor clams, January 1 to June 30.
112.14	Maximum take of razor clams, August 16 to December 31.
112.15	Closed season on Dungeness crabs.

AUTHORITY: §§ 112.1 to 112.15 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION

§ 112.1 *Definition.* The Copper River area is hereby defined to include all territorial coastal and tributary waters of Alaska between Point Whittished on the west and Point Martin on the east, including Egg Islands and the other islands between these points.

SALMON FISHERY

§ 112.2 *Closed seasons.* Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 1 and from 6 o'clock postmeridian July 5 to 6 o'clock antemeridian August 10 in each year.

§ 112.3 *Opening date, red salmon fishing.* Prior to 6 o'clock antemeridian May 15 in each year commercial fishing with nets of mesh less than 8½ inches stretched measure between knots is prohibited.

§ 112.4 *Closing date.* Commercial fishing for salmon is prohibited after 6 o'clock postmeridian September 18 in each calendar year.

§ 112.5 *Weekly closed period.* Prior to 6 o'clock antemeridian August 10, the 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the periods from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday of each week, and from 6 o'clock antemeridian of Saturday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 72 hours.

§ 112.6 *Limited to drift gill nets.* Commercial fishing for salmon shall be conducted solely by drift gill nets without the attachment of anything to obstruct their free movement through the water at all times: *Provided*, That gill nets attached to anchored boats or other anchored floating equipment may be used from 6 o'clock antemeridian August

10 to 6 o'clock postmeridian September 18 in each calendar year.

§ 112.7 *Marking of gill nets.* Each gill net in operation shall be marked by a cluster of floats or corks at the ends, and double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals of every red salmon and silver salmon gill net shall be painted bright red. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals of every king salmon gill net shall be painted white. The clusters at the ends of all gill nets shall also be legibly and plainly marked with the initials of the operator. In addition, each red-salmon and silver-salmon gill net shall be marked by red kegs attached to the clusters of floats or corks at the ends, and each king salmon gill net shall be marked with white kegs attached to the clusters of floats or corks at the ends.

§ 112.8 *Total aggregate length of gill nets.* Prior to 6 o'clock antemeridian August 10 in each calendar year the total aggregate length of drift gill nets used by any individual shall not exceed 150 fathoms hung measure: *Provided*, That during the period from 6 o'clock antemeridian May 15 to 6 o'clock postmeridian May 31, not to exceed 100 fathoms of net of mesh not less than 8½ inches stretched measure between knots may be used in addition to 150 fathoms of smaller mesh net.

§ 112.9 *Trailing of web by fishing boats.* The trailing of web behind any fishing boat is prohibited above the markers fixing closed waters.

§ 112.10 *Operation of anchored gill nets.* Anchored gill nets shall be operated in substantially a straight line.

§ 112.11 *Closed waters.* Commercial fishing for salmon is prohibited within 500 yards of the Grass Banks, except that from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 18 in each calendar year such fishing is permitted within 500 yards of the Grass Banks by means of gill nets not exceeding 200 fathoms each in length attached to anchored boats or other anchored floating equipment. All fishing is prohibited at all times within the sloughs and within 500 yards of their mouths.

SHELLFISH FISHERY

§ 112.12 *Closed season on razor clams.* The taking of razor clams for commercial purposes is prohibited from July 1 to August 15, both dates inclusive, in each calendar year.

§ 112.13 *Maximum take of razor clams, January 1 to June 30.* In the open season from January 1 to June 30, both dates inclusive, there shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 1,400,000 pounds of razor clams, including shells, or 40,000 cases upon the basis of 48 one-half pound cans per case. Not to exceed 175,000 pounds, including shells, or 5,000 cases upon the basis of 48 one-half pound cans per case, shall be taken prior to April 15.

§ 112.14 *Maximum take of razor clams, August 16 to December 31.* In the open season from August 16 to December 31, both dates inclusive, there shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 105,000 pounds of razor clams, including shells, or 3,000 cases upon the basis of 48 one-half pound cans per case.

§ 112.15 *Closed season on Dungeness crabs.* Commercial fishing for Dungeness crabs is prohibited from June 1 to August 14, both dates inclusive.

PART 113—BERING RIVER-ICY BAY AREA

DEFINITION

Sec.	Definition.
113.1	SALMON FISHERY
113.2	Opening date, red-salmon fishing.
113.3	Closed seasons.
113.4	Closing date.
113.5	Weekly closed period.
113.6	Limited to drift gill nets.
113.7	Marking of gill nets.
113.8	Total aggregate length of gill nets.
113.9	Trailing of web by fishing boats.
113.10	Operation of anchored gill nets.
113.11	Closed waters.

SHELLFISH FISHERY

113.12	Closed season on razor clams.
113.13	Maximum take of razor clams.

AUTHORITY: §§ 113.1 to 113.13 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION

§ 113.1 *Definition.* The Bering River-Icy Bay area is hereby defined to include all territorial coastal and tributary waters of Alaska between Point Martin on the west, easterly to the western boundary of the Yakutat district at 59 degrees 36 minutes north latitude, 140 degrees 28 minutes west longitude, including Martin Islands, Kanak Island, Wingham Island, Kayak Island, and any other island between Point Martin and the western boundary of the Yakutat district. (44 Stat. 752; 48 U. S. C. 221)

SALMON FISHERY

§ 113.2 *Opening date, red salmon fishing.* Prior to 6 o'clock antemeridian June 1 in each year commercial fishing with nets of mesh less than 8½ inches stretched measure between knots is prohibited.

§ 113.3 *Closed seasons.* Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 15 and from 6 o'clock postmeridian July 5 to 6 o'clock antemeridian August 10 in each year.

§ 113.4 *Closing date.* Commercial fishing for salmon is prohibited after 6 o'clock postmeridian September 18 in each calendar year.

§ 113.5 *Weekly closed period.* Prior to 6 o'clock antemeridian August 10, the 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the periods from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday of each week, and

from 6 o'clock antemeridian of Saturday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 72 hours.

§ 113.6 *Limited to drift gill nets.* Commercial fishing for salmon shall be conducted solely by drift gill nets without the attachment of anything to obstruct their free movement through the water at all times: *Provided*, That gill nets attached to anchored boats or other anchored floating equipment may be used from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 18 in each calendar year.

§ 113.7 *Marking of gill nets.* Each gill net in operation shall be marked by a cluster of floats or corks at the ends, and double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals of every red salmon and silver salmon gill net shall be painted bright red. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals of every king salmon gill net shall be painted white. The clusters at the ends of all gill nets shall also be legibly and plainly marked with the initials or the operator. In addition, each red salmon and silver salmon gill net shall be marked by red kegs attached to the clusters of floats or corks at the ends, and each king salmon gill net shall be marked with white kegs attached to the clusters of floats or corks at the ends.

§ 113.8 *Total aggregate length of gill nets.* Prior to 6 o'clock antemeridian August 10 in each calendar year the total aggregate length of drift gill nets used by any individual shall not exceed 150 fathoms hung measure: *Provided*, That during the period from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian June 15, not to exceed 100 fathoms of net of mesh not less than 8½ inches stretched measure between knots may be used in addition to 150 fathoms of smaller mesh net.

§ 113.9 *Trailing of web by fishing boats.* The trailing of web behind any fishing boat is prohibited above the markers fixing closed waters.

§ 113.10 *Operation of anchored gill nets.* Anchored gill nets shall be operated in substantially a straight line.

§ 113.11 *Closed waters.* All commercial fishing for salmon is prohibited east of a line extending from a point on the shore at 60 degrees 11 minutes 10 seconds north latitude, 144 degrees 18 minutes 3 seconds west longitude, southeasterly to a point on the shore at 60 degrees 9 minutes 33 seconds north latitude, 144 degrees 15 minutes 30 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U. S. C. 221)

SHELLFISH FISHERY

§ 113.12 *Closed season on razor clams.* The taking of razor clams for commercial purposes is prohibited from July 1 to August 15, both dates inclusive, in each calendar year.

§ 113.13 *Maximum take of razor clams.* There shall not be taken in the Bering

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River area in any calendar year a combined total of more than 160,000 pounds of razor clams, including shells, or 4,000 cases upon the basis of 48 one-half pound cans per case.

PART 114—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL PROVISIONS

- Sec.
114.1 Definition.
114.2 Size of purse seines and leads; exception.
114.3 Maximum length of seine boats.
114.4 Beach seines prohibited; exceptions.
114.5 Operation of stake and set nets.
114.6 Closed season, trolling; exception.
114.7 Size of floating traps.
114.8 Minimum distance between traps; exception.
114.9 Traps prohibited, October 15 to November 15.

AUTHORITY: §§ 114.1 to 114.9 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

§ 114.1 *Definition.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 114.2 *Size of purse seines and leads; exception.* No purse seine shall be less than 8½ fathoms nor more than 19½ fathoms in depth nor less than 150 fathoms nor more than 300 fathoms in length measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited, except that in the South Prince of Wales Island district leads not exceeding 75 fathoms in length are permitted.

§ 114.3 *Maximum length of seine boats.* No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

§ 114.4 *Beach seines prohibited; exceptions.* The use of any beach seine is prohibited except as hereinafter provided, in the Yakutat and Sumner Strait districts.

§ 114.5 *Operation of stake and set nets.* Stake and set or anchored gill nets shall be operated in substantially a straight line.

§ 114.6 *Closed season, trolling; exception.* Commercial fishing for salmon by trolling is prohibited in the period from 6 o'clock postmeridian September 20 to 6 o'clock antemeridian October 15 except as hereinafter provided in the Yakutat district. (43 Stat. 464, as amended; 48 U. S. C. 221)

§ 114.7 *Size of floating traps.* No floating trap shall exceed 900 feet in length when any part of such trap is in a greater depth of water than 100 feet at mean high tide. The length of any such trap shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

§ 114.8 *Minimum distance between traps; exception.* The distance by most

direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile, except in the Icy Strait district where such distance shall be not less than 1½ statute miles.

§ 114.9 *Traps prohibited, October 15 to November 15.* Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

PART 115—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

- DEFINITION
Sec.
115.1 Definition.
HERRING FISHERY
115.2 Closed waters.
115.3 Catch limitations; exceptions.
115.4 Beach seines limited.
115.5 Size of seines, Klawak Harbor.
115.6 Prohibited near Lemesurier Point.
115.7 Restricted in Stephens Passage.
115.8 Restricted in Chatham Strait.
SHELLFISH FISHERY
115.9 Closed season, butter clams.
115.10 Closed season, shrimp.
115.11 Protection of small shrimp.
115.12 Closed season on Dungeness crabs.
SABLEFISH FISHERY
115.13 Closed season.

AUTHORITY: §§ 115.1 to 115.13 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

DEFINITION
§ 115.1 *Definition.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

HERRING FISHERY
§ 115.2 *Closed waters.* During the period from June 1 to October 15, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

§ 115.3 *Catch limitations; exceptions.* In the period from June 10 to October 15, both dates inclusive, the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 400,000 barrels upon the basis of 250 pounds per barrel. In the period from November 1 of one year to May 1 of the succeeding year, the take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 2,000 barrels, upon the basis of 250 pounds per barrel, in any calendar month. All commercial fishing, except for bait and except by gill nets is prohibited from May 1 to June 9 and from October 16 to October 31, all dates inclusive.

§ 115.4 *Beach seines limited.* Commercial fishing for herring, including bait fishing, by means of any beach seine on any herring spawning ground is prohibited.

§ 115.5 *Size of seines, Klawak Harbor.* Seines used in commercial fishing, in-

cluding bait fishing, for herring in Klawak Harbor within a true east and west line passing through the northern extremity of Klawak Island shall not exceed 90 fathoms hung measure in length nor 500 meshes in depth. For the purpose of determining depth of such seines measurements will be upon the basis of 1½ inches stretched measure between knots. No such seine shall have a mesh of less than 1½ inches stretched measure between knots.

§ 115.6 *Prohibited near Lemesurier Point.* All commercial fishing for herring, including bait fishing, by means of any purse seine is prohibited in the waters on the west side of Cleveland Peninsula between 55 degrees 46 minutes north latitude and 55 degrees 44 minutes north latitude, and east of 132 degrees 17 minutes 30 seconds west longitude.

§ 115.7 *Restricted in Stephens Passage.* All commercial fishing for herring, except for bait purposes and except by gill nets, is prohibited in the waters of Stephens Passage within a line extending from Point Retreat to the northern extremity of Shelter Island and thence to the mouth of Eagle River on the mainland, and a line extending from Point Arden to Bishop Point.

§ 115.8 *Restricted in Chatham Strait.* All commercial fishing for herring, except for bait and except by gill nets, is prohibited in the waters of Chatham Strait and contiguous waters along the western shore of Admiralty Island between Point Gardner and a point at 57 degrees 40 minutes north latitude.

SHELLFISH FISHERY
§ 115.9 *Closed season, butter clams.* The taking of butter clams for commercial purposes is prohibited in the period from April 15 to September 15, both dates inclusive, in each calendar year.

§ 115.10 *Closed season, shrimp.* Commercial fishing for shrimp is prohibited in the period from February 15 to May 1, both dates inclusive, in the waters of the Stikine district, the Eastern district east of the longitude of Cape Fanshaw, and in the Sumner Strait district north of the latitude and east of the longitude of Point Baker. All waters of Duncan Canal are closed to shrimp fishing throughout the year.

§ 115.11 *Protection of small shrimp.* Not more than 25 percent of the number of shrimp in any box or container taken at any time for commercial purposes shall be less than 2½ inches in length, measured from the eye to the tip of the tail.

§ 115.12 *Closed seasons on Dungeness crabs.* Commercial fishing for Dungeness crabs is prohibited from May 1 to September 1, both dates inclusive, in the Sumner Strait and Stikine districts, and from June 15 to August 1, both dates inclusive, in the Icy Strait district.

SABLEFISH FISHERY
§ 115.13 *Closed season.* Commercial fishing for sablefish (*Anoplopoma fimbria*) is prohibited prior to May 1 and after November 30 in each calendar year.

PART 116—SOUTHEASTERN ALASKA AREA, YAKUTAT DISTRICT, SALMON FISHERIES

- Sec.
 116.1 Definition, Southeastern Alaska area.
 116.2 Definition, Yakutat district.
 116.3 Opening date; exceptions.
 116.4 Opening date; Monti Bay and Dry Bay.
 116.5 Closing date.
 116.6 Weekly closed period.
 116.7 Catch limitation, Situk red salmon.
 116.8 Traps and purse seines prohibited.
 116.9 Outside waters open to drift gill nets only.
 116.10 Waters open to stake and set nets only; exception.
 116.11 Size of beach seines.
 116.12 Marking of gill nets.
 116.13 Use of power boats for drift gill nets restricted.
 116.14 Total aggregate length of gill nets.
 116.15 Length of stake and set nets, Monti Bay.
 116.16 Length of stake and set nets, Situk-Ahrnklin Inlet.
 116.17 Length of stake and set nets, Dangerous Inlet.
 116.18 Length of stake and set nets, Dry Bay and Ahquay Inlet.
 116.19 Restriction on large mesh gill nets, Situk Inlet.
 116.20 Closed waters.

AUTHORITY: §§ 116.1 to 116.20 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

§ 116.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 116.2 *Definition, Yakutat district.* All territorial waters within a line extending from Cape Fairweather at 58 degrees 49 minutes north latitude, 138 degrees west longitude, to Mount Fairweather, thence following the international boundary to a point at 140 degrees 28 minutes west longitude, thence south to a point at 59 degrees 36 minutes north latitude, 140 degrees 28 minutes west longitude, thence to Cape Fairweather at the point of beginning.

§ 116.3 *Opening date; exceptions.* Except in Monti Bay and contiguous waters and in Dry Bay, commercial fishing for salmon is prohibited prior to June 18: *Provided*, That this prohibition shall not apply to trolling.

§ 116.4 *Opening date; Monti Bay and Dry Bay.* In Monti Bay and contiguous waters and in Dry Bay, commercial fishing for salmon is prohibited prior to May 15 in each year.

§ 116.5 *Closing date.* Commercial fishing for salmon, except by trolling, is prohibited for the remainder of each year after September 30. (43 Stat. 464, as amended, 48 U. S. C. 221)

§ 116.6 *Weekly closed period.* The 36-hour closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock postmeridian of Friday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 60 hours.

§ 116.7 *Catch limitation, Situk red salmon.* The take of red salmon in Situk

Inlet and adjacent coastal waters extending from a point 2 miles southeast of Ahrnklin Inlet to a point 1 mile west of Lost River Inlet shall not exceed 50 percent of the total run as determined at the weir in Situk River operated by the Fish and Wildlife Service. (Sec. 2, 43 Stat. 465; 48 U. S. C. 225)

§ 116.8 *Traps and purse seines prohibited.* The use of any trap or purse seine is prohibited.

§ 116.9 *Outside waters open to drift gill nets only.* Along the outside coast from Cape Fairweather to Ocean Cape commercial fishing for salmon shall be conducted solely by drift gill nets. The use of all other forms of gear is prohibited.

§ 116.10 *Waters open to stake and set nets only; exception.* In Situk Inlet, Ahrnklin Inlet, Dangerous Inlet, Ahquay Inlet, and Dry Bay, commercial fishing for salmon shall be conducted solely by stake and set or anchored gill nets: *Provided*, That such fishing by means of beach seines is permitted in Situk Inlet during the period from August 5 to August 30, both dates inclusive.

§ 116.11 *Size of beach seines.* Commercial fishing for salmon by means of any beach seine less than 75 fathoms hung measure in length or less than 4 fathoms hung measure in depth is prohibited.

§ 116.12 *Marking of gill nets.* Each gill net in operation shall be marked by a cluster of bright red floats or corks at the ends, and bright red double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters at the ends shall also be legibly and plainly marked with the initials of the operator.

§ 116.13 *Use of power boats for drift gill nets restricted.* The use of power boats in operating drift gill nets is prohibited in all lagoons and inlets.

§ 116.14 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 150 fathoms hung measure in length, or 35 meshes in depth. For the purpose of determining depths of gill nets measurements will be upon the basis of 5½ inches stretched measure.

§ 116.15 *Length of stake and set nets, Monti Bay.* In Monti Bay and contiguous waters no stake gill net or set or anchored gill net shall exceed 50 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake and set or anchored nets used by any individual shall not exceed 100 fathoms measured on the cork line.

§ 116.16 *Length of stake and set nets, Situk-Ahrnklin Inlet.* In Situk-Ahrnklin Inlet no stake gill net or set or anchored gill net shall exceed 30 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake or set or anchored nets used by any individual shall not exceed 30 fathoms measured on the cork line.

§ 116.17 *Length of stake and set nets, Dangerous Inlet.* In Dangerous Inlet no

stake gill net or set or anchored gill net shall exceed 30 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake or set or anchored gill nets used by any individual shall not exceed 60 fathoms measured on the cork line.

§ 116.18 *Length of stake and set nets, Dry Bay and Ahquay Inlet.* In Dry Bay and in Ahquay Inlet no stake gill net or set or anchored gill net shall exceed 25 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake and set or anchored nets used by any individual shall not exceed 75 fathoms measured on the cork line.

§ 116.19 *Restriction on large mesh gill nets, Situk Inlet.* Commercial fishing for salmon by means of any gill net having mesh of more than 5½ inches stretched measure between knots is prohibited in Situk Inlet prior to August 10 in each year.

§ 116.20 *Closed waters.* All commercial fishing for salmon is prohibited, as follows:

- (a) Anka Creek and Inlet.
- (b) The "Basin" above Dry Bay.

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

- Sec.
 117.1 Definition, Southeastern Alaska area.
 117.2 Definition, Icy Strait district.
 117.3 Open seasons, west of Point Carolus.
 117.4 Open seasons, east of Point Carolus.
 117.5 Total aggregate length of gill nets.
 117.6 Closed waters, Port Frederick.
 117.7 Closed waters for trolling, Icy Point to Lituya Bay.
 117.8 Gear restriction, Dundas Bay.
 117.9 Gear restriction, Idaho Inlet.
 117.10 Gear restriction, Glacier Bay.
 117.11 Areas open to traps.

AUTHORITY: §§ 117.1 to 117.11 (with the exceptions cited in parentheses following section affected) issued under 44 Stat. 752; 48 U. S. C. 221.

§ 117.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 117.2 *Definition, Icy Strait district.* All territorial waters within a line extending from a point at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude to Column Point, thence southerly following the watershed along the east side of Lislanski Inlet to 58 degrees north latitude, thence to a point at 58 degrees north latitude, 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Fairweather, thence to Cape Fairweather at 58 degrees 49 minutes north latitude, 138 degrees west longitude, thence to the point of beginning at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude,

§ 117.3 *Open seasons, west of Point Carolus.* Commercial fishing for salmon, other than trolling, west of the longitude of Point Carolus is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3, and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 117.4 *Open seasons, east of Point Carolus.* Commercial fishing for salmon, other than trolling, east of the longitude of Point Carolus is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3, and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 117.5 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length.

§ 117.6 *Closed waters, Port Frederick.* Commercial fishing for salmon is prohibited in Port Frederick, northern shore of Chichagof Island, in all waters east of a line from Inner Point Sophia to Game Point and in all waters south of 58 degrees 4 minutes 8 seconds north latitude, except that trolling will be permitted from October 15 to June 1, both dates inclusive. A portion of the waters closed is in the Western district.

§ 117.7 *Closed waters for trolling, Icy Point to Lituya Bay.* Commercial fishing for salmon by trolling is prohibited throughout the year in the coastal waters of Alaska from Icy Point to and including Lituya Bay.

§ 117.8 *Gear restriction, Dundas Bay.* Commercial fishing for salmon, except by gill nets, is prohibited in Dundas Bay north of 58 degrees 20 minutes north latitude.

§ 117.9 *Gear restriction, Idaho Inlet.* Commercial fishing for salmon by means of any seine is prohibited in Idaho Inlet south of 58 degrees 8 minutes 20 seconds north latitude.

§ 117.10 *Gear restriction, Glacier Bay.* All commercial fishing for salmon, except by trolling, is prohibited in Glacier Bay north of 58 degrees 27 minutes 54 seconds north latitude.

§ 117.11 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Mainland: Within 2,500 feet of Point Dundas.

(b) Inian Islands: Along the coast (1) within 2,500 feet of a point at 58 degrees 16 minutes 18 seconds north latitude, 136 degrees 20 minutes 27 seconds west longitude, (2) within 2,500 feet of a point on the northwestern island at 58 degrees 15 minutes 34 seconds north latitude, 136 degrees 23 minutes 35 seconds west longitude.

(c) Island west of Three Hill Island, Cross Sound: Shore of island west of Three Hill Island located at 58 degrees 10 minutes 11 seconds north latitude, 136 degrees 24 minutes 33 seconds west longitude.

(d) Chichagof Island: Along the coast of the north side of Chichagof Island

within 2,500 feet of a point at 58 degrees 13 minutes 12 seconds north latitude, 136 degrees 9 minutes 38 seconds west longitude.

(e) Chichagof Island: North coast within 1,000 feet westerly from Eagle Point.

(f) Chichagof Island: North coast from a point west of Point Adolphus at 58 degrees 16 minutes 38 seconds north latitude southwesterly to a point at 58 degrees 14 minutes 56 seconds north latitude, 135 degrees 53 minutes 34 seconds west longitude.

(g) Lemesurier Island: Northwestern coast within 2,500 feet of a point at 58 degrees 17 minutes 30 seconds north latitude, 136 degrees 8 minutes west longitude.

(h) Mainland: Within 2,500 feet of a point near Point Gustavus at 135 degrees 53 minutes 42 seconds west longitude.

(i) Pleasant Island: Southwestern coast (1) within 2,500 feet of a point of 58 degrees 20 minutes north latitude, 135 degrees 40 minutes 45 seconds west longitude, and (2) from 135 degrees 35 minutes 30 seconds west longitude to 135 degrees 33 minutes 1 second west longitude.

(j) Porpoise Islands: West coast of southernmost island within 2,500 feet of a point at 58 degrees 19 minutes 8 seconds north latitude, 135 degrees 27 minutes 22 seconds west longitude.

(k) Mainland: Along the coast on the east side of Excursion Inlet from 58 degrees 17 minutes 8 seconds north latitude southward to 135 degrees 8 minutes 31 seconds west longitude.

(l) Chichagof Island: Northeastern coast (1) within 2,500 feet of a point at 58 degrees 8 minutes 40 seconds north latitude, 135 degrees 23 minutes 59 seconds west longitude, and (2) from 135 degrees 20 minutes west longitude to 135 degrees 11 minutes 11 seconds west longitude.

(m) Chichagof Island: Northeastern coast within 2,500 feet of a point at 135 degrees 1 minute 31 seconds west longitude.

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT SALMON FISHERIES

Sec.	
118.1	Definition, Southeastern Alaska area.
118.2	Definition, Western district.
118.3	Definitions, fishing sections, Western district.
118.4	Open season, northern section, north of Sullivan Island.
118.5	Open seasons, northern section, south of Sullivan Island.
118.6	Open seasons, central, southern, and western sections.
118.7	Registration and reporting of boats, Tenakee Inlet and northern section.
118.8	Total aggregate length of gill nets.
118.9	Closed waters, Chilkat Inlet.
118.10	Closed waters, Chilkoot Inlet.
118.11	Closed waters, Tenakee Inlet and Freshwater Bay.
118.12	Closed waters, Port Frederick.
118.13	Waters closed to trolling, Lynn Canal.
118.14	Gear restriction, Lynn Canal.
118.15	Gear restriction, Tenakee Inlet.
118.16	Areas open to traps.
118.17	Closed waters.

AUTHORITY: §§ 118.1 to 118.17 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

§ 118.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 118.2 *Definition, Western district.* All territorial waters within a line extending from a point off Cape Ommaney at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude, to a point off Cape Edgecumbe at 57 degrees north latitude, 136 degrees 4 minutes west longitude, thence to a point at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude, thence east to Column Point, thence southerly following the watershed along the east side of Lisianski Inlet to 58 degrees north latitude, thence east to 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to the point of beginning at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude.

§ 118.3 *Definitions, fishing sections, Western district.* Fishing sections in the Western district are defined as follows:

(a) Northern section, north of Sullivan Island; all waters of the Western district north of a true east and west line through the northern extremity of Sullivan Island.

(b) Northern section, south of Sullivan Island; all waters of the Western district between a true east and west line through the northern extremity of Sullivan Island and a true line eastward from the southeastern extremity of Point Couverden.

(c) Central section: All waters of the Western district between a true line eastward from the southeastern extremity of Point Couverden and a true line eastward from the northeastern extremity of South Passage Point.

(d) Southern section: All waters of the Western district south of a true line eastward from South Passage Point, and east of Rapids Island in Sergius Narrows, Peril Strait, including Hoonah Sound.

(e) Western section: All waters of the Western district west of Rapids Island in Sergius Narrows, Peril Strait, and including waters on the west coasts of Chichagof and Baranof Islands.

§ 118.4 *Open season, northern section, north of Sullivan Island.* Commercial fishing for salmon, other than trolling, is prohibited except in the period from 6 o'clock antemeridian June 25 to 6 o'clock postmeridian August 31.

§ 118.5 *Open seasons, northern section, south of Sullivan Island.* Commercial fishing for salmon, other than trolling, is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3; (b) by gill nets only in Berners Bay from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 20; and (c) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 118.6 *Open seasons, central, southern, and western sections.* Commercial fishing for salmon, other than trolling, is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3: *Provided*, That this prohibition shall not apply to purse seines in Tenakee Inlet from 6 o'clock antemeridian July 5 to 6 o'clock antemeridian July 7, from 6 o'clock antemeridian July 12 to 6 o'clock antemeridian July 14, from 6 o'clock antemeridian July 19 to 6 o'clock antemeridian July 21, and from 6 o'clock antemeridian July 26 to 6 o'clock antemeridian July 28; and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 118.7 *Registration and reporting of boats, Tenakee Inlet and northern section.* In the period prior to August 9, all fishing boats, other than trollers, entering Tenakee Inlet and the northern section of the district north of Sullivan Island shall be registered with the local Fish and Wildlife Service representatives prior to engaging in fishing, and thereafter shall report daily the number of salmon caught, the place of capture, and the disposition of the catch.

§ 118.8 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length.

§ 118.9 *Closed waters, Chilkat Inlet.* Commercial fishing for salmon in Chilkat Inlet is prohibited north of a line from Green Point passing across the southern shore of Pyramid Island to the northern shore of Chilkat Inlet.

§ 118.10 *Closed waters, Chilkoot Inlet.* Commercial fishing for salmon in Chilkoot Inlet within a line 1 statute mile from the mouth of Chilkoot River is prohibited.

§ 118.11 *Closed waters, Tenakee Inlet and Freshwater Bay.* Commercial fishing for salmon is prohibited (a) in all bays tributary to Tenakee Inlet and in the waters of Tenakee Inlet west of 135 degrees 40 minutes west longitude, and (b) within 1 statute mile of the mouths of all salmon streams in Freshwater Bay: *Provided*, That these prohibitions shall not apply to trolling from January 1 to 6 o'clock postmeridian August 24.

§ 118.12 *Closed waters, Port Frederick.* Commercial fishing for salmon is prohibited in Port Frederick, northern shore of Chichagof Island, in all waters east of a line from Inner Point Sophia to Game Point, and in all waters south of 58 degrees 4 minutes 8 seconds north

latitude, except that trolling will be permitted from October 15 to June 1, both dates inclusive. A portion of the waters closed is in the Icy Strait district.

§ 118.13 *Waters closed to trolling, Lynn Canal.* Commercial fishing for salmon by trolling in the waters of Lynn Canal north of Point Retreat is prohibited in the period from 6 o'clock postmeridian May 31 to 6 o'clock antemeridian June 25.

§ 118.14 *Gear restriction, Lynn Canal.* Purse seines are prohibited in Lynn Canal and contiguous waters north of 58 degrees 34 minutes 10 seconds north latitude.

§ 118.15 *Gear restriction, Tenakee Inlet.* Commercial fishing for salmon, other than trolling, is prohibited in Tenakee Inlet from 6 o'clock antemeridian July 28 to 6 o'clock antemeridian October 15.

§ 118.16 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Baranof Island: Northwest coast beginning at a point 1,000 yards southward of Point Kakul and extending southward $\frac{1}{2}$ statute mile.

(b) Baranof Island: Northwest coast within 2,500 feet of a point at 57 degrees 20 minutes 19 seconds north latitude, 135 degrees 40 minutes 13 seconds west longitude.

(c) Chichagof Island: East coast (1) within 2,500 feet of a point at 57 degrees 59 minutes 11 seconds north latitude, 134 degrees 54 minutes 34 seconds west longitude, (2) within 2,500 feet of a point at 57 degrees 56 minutes 56 seconds north latitude, 134 degrees 55 minutes 7 seconds west longitude, and (3) within 2,500 feet of a point at 57 degrees 52 minutes 7 seconds north latitude, 134 degrees 57 minutes 51 seconds west longitude.

(d) Chichagof Island: East coast (1) from 57 degrees 48 minutes 52 seconds north latitude to 57 degrees 48 minutes 25 seconds north latitude, (2) within 2,500 feet of a point at 57 degrees 44 minutes 18 seconds north latitude, 134 degrees 55 minutes 4 seconds west longitude, (3) from 57 degrees 36 minutes 37 seconds north latitude to 57 degrees 35 minutes 52 seconds north latitude, and (4) within 2,500 feet of a point at 57 degrees 30 minutes 4 seconds north latitude, 134 degrees 49 minutes 38 seconds west longitude.

(e) Baranof Island: East coast from a point $\frac{1}{2}$ statute mile south of Point Thatcher to a point at 57 degrees 23 minutes 37 seconds north latitude.

(f) Baranof Island: East coast from a point $\frac{1}{2}$ statute mile southeasterly of South Point to the north side of the entrance to Cosmos Cove, including islets on the northeastern side of the entrance to Cosmos Cove.

(g) Baranof Island: East coast within 2,500 feet of a point at 57 degrees 11 minutes 3 seconds north latitude, 134 degrees 48 minutes 43 seconds west longitude.

(h) Mansfield Peninsula: West coast within 2,500 feet of a point at 58 degrees 16 minutes 2 seconds north latitude.

(i) Mansfield Peninsula: West coast (1) from the south point of entrance to

Funter Bay to 58 degrees 10 minutes 45 seconds north latitude, and (2) from 58 degrees 9 minutes 37 seconds north latitude to the southern extremity of the Peninsula at the north side of the entrance to Hawk Inlet.

(j) Admiralty Island: West coast (1) within 2,500 feet of a point at 57 degrees 38 minutes 32 seconds north latitude, (2) from 57 degrees 40 minutes 47 seconds north latitude to 57 degrees 43 minutes 45 seconds north latitude, (3) from 57 degrees 50 minutes 2 seconds north latitude to 57 degrees 51 minutes 7 seconds north latitude, (4) within 2,500 feet of a point at 57 degrees 55 minutes 10 seconds north latitude, and (5) from 57 degrees 58 minutes north latitude to 58 degrees 2 minutes 7 seconds north latitude.

(k) Admiralty Island: West coast from 57 degrees 22 minutes 7 seconds north latitude to Distant Point.

(l) Killisnoo Island: South coast from 134 degrees 35 minutes 59 seconds west longitude to Point Samuel.

(m) Admiralty Island: West coast (1) from a point north of Wilson Cove at 57 degrees 10 minutes 37 seconds north latitude to 57 degrees 10 minutes 47 seconds north latitude, (2) from 57 degrees 12 minutes 37 seconds north latitude to 57 degrees 13 minutes 7 seconds north latitude, and (3) within 1,000 feet of a point at 57 degrees 13 minutes 57 seconds north latitude.

§ 118.17 *Closed waters.* All commercial fishing for salmon is prohibited as follows:

(a) Wilson Cove, southwestern shore of Admiralty Island: All waters within the cove.

(b) Whitewater Bay, southwestern shore of Admiralty Island: All waters within a line from Point Caution to Woody Point.

(c) Chaik Bay, southwestern shore of Admiralty Island: All waters east of 134 degrees 28 minutes 59 seconds west longitude.

(d) Kootznahoo Inlet, western shore of Admiralty Island: All waters within the inlet.

(e) Warm Spring Bay, eastern shore of Baranof Island: All waters within the bay.

(f) Kelp Bay, east coast of Baranof Island: All waters in Middle Arm, and all waters in South Arm west of 134 degrees 56 minutes 59 seconds west longitude.

(g) Hanus Bay, northeast shore of Baranof Island: All waters in the bay south of a line from Point Hanus to Point Moses.

(h) Rodman Bay, northeast coast of Baranof Island: All waters west of 135 degrees 21 minutes 59 seconds west longitude.

(i) Sitkoh Bay, southeast shore of Chichagof Island: All waters within 1,000 yards of the mouth of any salmon stream.

(j) Basket Bay, east coast of Chichagof Island: All waters within the bay.

(k) Hawk Inlet, west coast of Admiralty Island: All waters of the inlet and its tributaries.

(l) Salt Lake Lagoon, Takanis Bay, southwest shore of Yakobi Island: All waters in the Lagoon and within 500 yards of its mouth.

(m) Redfish Bay, southwest shore of Baranof Island: All waters above a true east and west line passing through the southern end of the Second Narrows.

(n) Still Harbor, west coast of Baranof Island: All waters in the harbor.

(o) Port Banks, off Whale Bay, west coast of Baranof Island: All waters in Port Banks.

(p) Redoubt Bay, west coast of Baranof Island: All waters within 1,000 yards of the mouth of the stream flowing from Redoubt Lake.

(q) Fish Bay, northwest coast of Baranof Island: All waters in the bay east of 135 degrees 37 minutes west longitude.

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

Sec.

- 119.1 Definition, Southeastern Alaska area.
- 119.2 Definition, Eastern district.
- 119.3 Open seasons.
- 119.4 Registration and reporting of boats, Taku Inlet and Port Snettisham.
- 119.5 Total aggregate length of gill nets.
- 119.6 Length of gill nets, Taku Inlet.
- 119.7 Closed waters, Taku Inlet.
- 119.8 Gear restrictions, Taku Inlet and adjacent waters.
- 119.9 Areas open to traps.
- 119.10 Closed waters.

AUTHORITY: §§ 119.1 to 119.10 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 47 U. S. C. 221.

§ 119.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 119.2 *Definition, Eastern district.* All territorial waters within a line extending from a point near the Hazy Islands at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude, to the southern end of Cape Decision, thence following the watershed on Kuiu Island to the point on the east side of Kuiu Island at 56 degrees 40 minutes north latitude, 133 degrees 44 minutes 15 seconds west longitude, thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to a point on the east coast of Kupreanof Island at 56 degrees 54 minutes north latitude, thence across Frederick Sound to Horn Cliffs on the mainland, thence to Castle Mountain, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to a point at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude, thence to the point of beginning at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude.

§ 119.3 *Open seasons.* Commercial fishing for salmon, other than trolling,

is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3; and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 119.4 *Registration and reporting of boats, Taku Inlet and Port Snettisham.* In the period prior to August 9, all fishing boats, other than trollers, entering Taku Inlet and Port Snettisham shall be registered with the local Fish and Wildlife Service representatives prior to engaging in fishing, and thereafter shall report daily the number of salmon caught, the place of capture, and the disposition of the catch.

§ 119.5 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length.

§ 119.6 *Length of gill nets, Taku Inlet.* No gill net used in Taku Inlet shall exceed 150 fathoms in length hung measure.

§ 119.7 *Closed waters, Taku Inlet.* Commercial fishing for salmon in Taku Inlet eastward of a line beginning on the shore northward of Taku Point at 133 degrees 58 minutes 58 seconds west longitude, thence running due north to the opposite shore, thence following the shore line to the mouth of Taku River, is prohibited, except that in these closed waters south of a line extending from a point at 58 degrees 25 minutes 58 seconds north latitude, 133 degrees 58 minutes 35 seconds west longitude, to a point at 58 degrees 25 minutes 8 seconds north latitude, 133 degrees 55 minutes 50 seconds west longitude, such fishing is permitted by gill nets from 6 o'clock antemeridian September 1, to 6 o'clock postmeridian September 20.

§ 119.8 *Gear restrictions, Taku Inlet and adjacent waters.* Commercial fishing for salmon by (a) gill-netting in Taku Inlet and in Port Snettisham northeast of a line extending from Sentinel Point to Sharp Point, is prohibited prior to 6 o'clock antemeridian May 1 in each calendar year, from 6 o'clock postmeridian May 31 to 6 o'clock antemeridian June 25, from 6 o'clock postmeridian August 18 to 6 o'clock antemeridian September 1, and for the remainder of each calendar year after 6 o'clock postmeridian September 20; (b) trolling, in Taku Inlet and all adjacent waters of the Eastern District north of Midway Island is prohibited in the periods from 6 o'clock postmeridian May 31 to 6 o'clock antemeridian June 25 and from 6 o'clock postmeridian September 20 to 6 o'clock antemeridian October 15; and (c) purse seining, in Taku Inlet, is prohibited throughout the year.

§ 119.9 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited except as follows:

(a) Mainland, east side of Stephens Passage: From 57 degrees 35 minutes 42 seconds north latitude, 133 degrees 37 minutes 8 seconds west longitude, to 57 degrees 36 minutes 52 seconds north latitude, 133 degrees 39 minutes 17 seconds west longitude.

(b) Mainland, east side of Stephens Passage: Within 2,500 feet of a point at 57 degrees 28 minutes 8 seconds north latitude, 133 degrees 30 minutes 42 seconds west longitude.

(c) Mainland, east side of Stephens Passage: Along the coast (1) within 2,500 feet of a point at 57 degrees 21 minutes 18 seconds north latitude, 133 degrees 26 minutes 37 seconds west longitude, and (2) within 2,500 feet of a point at 57 degrees 23 minutes 4 seconds north latitude, 133 degrees 27 minutes 42 seconds west longitude.

(d) Mainland, Frederick Sound: From a point on the south side of Fanshaw Bay at 133 degrees 32 minutes 27 seconds west longitude to Cape Fanshaw, thence southeasterly to 133 degrees 29 minutes 57 seconds west longitude.

(e) Admiralty Island: Southeast coast (1) from Point Pybus to 57 degrees 18 minutes 57 seconds north latitude; and (2) from 57 degrees 20 minutes 7 seconds north latitude, 133 degrees 54 minutes 58 seconds west longitude, to False Point Pybus.

(f) Admiralty Island: Southeast coast (1) from 57 degrees 12 minutes 6 seconds north latitude to 57 degrees 11 minutes 21 seconds north latitude; (2) from 57 degrees 10 minutes 36 seconds north latitude to Deepwater Point; (3) within 2,500 feet of a point at 57 degrees 8 minutes 19 seconds north latitude, 134 degrees 17 minutes 16 seconds west longitude; and (4) within 2,500 feet of a point at 57 degrees 7 minutes 28 seconds north latitude, 134 degrees 19 minutes 30 seconds west longitude.

(g) Admiralty Island: Southeast coast from a point $\frac{1}{2}$ statute mile southwest of Point Brightman to a point at 57 degrees 3 minutes 25 seconds north latitude, 134 degrees 27 minutes 18 seconds west longitude.

(h) Admiralty Island: Southeast coast within 2,500 feet of a point at 57 degrees 1 minute 41 seconds north latitude, 134 degrees 29 minutes 10 seconds west longitude.

(i) Kupreanof Island: Northwest coast (1) from a point $\frac{1}{2}$ statute mile southeast of Point Macartney northward to the outer extremity of Point Macartney; (2) within 2,500 feet of a point near Cape Bendel at 57 degrees 3 minutes 23 seconds north latitude, 134 degrees 1 minute 51 seconds west longitude; and (3) within 2,500 feet of a point at 57 degrees 4 minutes 54 seconds north latitude, 133 degrees 56 minutes 13 seconds west longitude (as shown on U. S. Coast and Geodetic Survey Chart No. 8200).

(j) Kuiu Island: Within $\frac{1}{4}$ statute mile of the western extremity of Cornwallis Point.

(k) Kuiu Island: Northwest coast (1) within 2,500 feet of a point at 56 degrees 33 minutes 15 seconds north latitude, 134 degrees 17 minutes 53 seconds west longitude; (2) from a point 1 statute mile north of the north side of the entrance to Washington Bay to 56 degrees 45 minutes 56 seconds north latitude; (3) from 56 degrees 47 minutes 51 seconds north latitude to 56 degrees 48 minutes 11 seconds north latitude; and (4) from 56 degrees 50 minutes 26 seconds north lati-

tude to the point at the east side of the entrance to Band Cove.

§ 119.10 *Closed waters.* All commercial fishing for salmon is prohibited as follows:

(a) Port Houghton, indenting mainland: All waters in Sanborn Canal.

(b) Windham Bay, indenting mainland: All waters of the bay east of 133 degrees 21 minutes 57 seconds west longitude.

(c) Limestone Inlet, indenting mainland: All waters in Limestone Inlet.

(d) Gambier Bay, east coast of Admiralty Island: All waters west of 134 degrees 2 minutes 58 seconds west longitude.

(e) Port Camden, east coast of Kuiu Island: All waters of Port Camden south of 56 degrees 40 minutes 7 seconds north latitude.

(f) Kadak Bay, east coast of Kuiu Island: All waters of Kadak Bay within a line from a point at 56 degrees 48 minutes 27 seconds north latitude, 133 degrees 56 minutes 15 seconds west longitude, to a point at 56 degrees 48 minutes 47 seconds north latitude, 133 degrees 57 minutes 27 seconds west longitude.

(g) Hamilton Bay, west coast of Kupreanof Island: All waters east of 133 degrees 46 minutes 57 seconds west longitude.

(h) Keku Strait, east coast of Kuiu Island: Waters of Keku Strait, including all waters of Big Johns Bay, enclosed by a line from a point at 56 degrees 35 minutes 7 seconds north latitude, 133 degrees 42 minutes 32 seconds west longitude, to a point at 56 degrees 35 minutes 7 seconds north latitude, 133 degrees 39 minutes 57 seconds west longitude, and a line from the northern extremity of Point Camden to a point at 56 degrees 48 minutes 47 seconds north latitude, 133 degrees 45 minutes 57 seconds west longitude. A portion of the closed waters of Big Johns Bay is north of 56 degrees 48 minutes 47 seconds north latitude. A part of the waters closed is in the Sumner Strait district.

(i) Tebenkof Bay, west coast of Kuiu Island: All waters of Elena Bay north and east of a line extending from a point at 56 degrees 29 minutes 56 seconds north latitude, 134 degrees 6 minutes 28 seconds west longitude, southerly to a point at 56 degrees 29 minutes 5 seconds north latitude, 134 degrees 5 minutes 28 seconds west longitude.

(j) Bay of Pillars, west coast of Kuiu Island: All waters in south arm of the bay east of 134 degrees 11 minutes 40 seconds west longitude.

(k) Security Bay, northwest coast of Kuiu Island: All waters within 1,000 yards of any salmon stream.

(l) Saginaw Bay, northwest coast of Kuiu Island: All waters of the bay within a line from a point on the southwest shore at 56 degrees 51 minutes 36 seconds north latitude to a point on the northeast shore at 56 degrees 53 minutes 6 seconds north latitude.

(m) Red Bluff Bay, east coast of Baranof Island: All waters in the bay west of 134 degrees 45 minutes 28 seconds west longitude.

(n) Gut Bay, east coast of Baranof Island: All waters of the bay west of 134

degrees 43 minutes 28 seconds west longitude.

(o) Little Port Walter, east coast of Baranof Island: All waters in Little Port Walter.

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

- Sec.
120.1 Definition, Southeastern Alaska area.
120.2 Definition, Stikine district.
120.3 Registration and reporting of boats.
120.4 Closed seasons.
120.5 Gear restrictions.

AUTHORITY: §§ 120.1 to 120.5 (with the exception cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

§ 120.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 120.2 *Definition, Stikine district.* All territorial waters within a line extending from Horn Cliffs on the mainland to Frederick Point on Mitkof Island, thence to Point Howe, thence to South Craig Point on Zarembo Island, thence to Drag Island in Chichagof Pass, thence to Chichagof Peak on Wrangell Island, thence to Babbler Point on the mainland, thence to Mount Cote, thence following the international boundary to Castle Mountain, thence to the point of beginning at Horn Cliffs.

§ 120.3 *Registration and reporting of boats.* In the period prior to August 9, all fishing boats, other than trollers, entering the Stikine district shall be registered with the local Fish and Wildlife Service representative prior to engaging in fishing, and thereafter shall report daily the number of salmon caught, the place of capture, and the disposition of the catch. (Sec. 1, 44 Stat. 752; 48 U. S. C. 221)

§ 120.4 *Closed seasons.* All commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 1, from 6 o'clock postmeridian May 31 to 6 o'clock antemeridian June 25, and for the remainder of each calendar year after 6 o'clock postmeridian September 20. (43 Stat. 464, as amended; 48 U. S. C. 221)

§ 120.5 *Gear restrictions.* Commercial fishing for salmon shall be conducted solely by trolling, and by drift gill nets of not less than 125 fathoms nor more than 300 fathoms in length.

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

- Sec.
121.1 Definition, Southeastern Alaska area.
121.2 Definition, Sumner Strait district.
121.3 Open seasons, Ernest Sound Zimovia Strait, and Anan.
121.4 Open seasons; exceptions.
121.5 Beach seines prohibited; exception.
121.6 Total aggregate length of gill nets.
121.7 Closed waters, Bradfield Canal.
121.8 Closed waters, Blake Channel and Eastern Passage.
121.9 Gear restriction, Anita Bay.

- Sec.
121.10 Areas open to traps.
121.11 Closed waters.

AUTHORITY: §§ 121.1 to 121.11 issued under 44 Stat. 752; 47 U. S. C. 221.

§ 121.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 121.2 *Definition, Sumner Strait district.* All territorial waters within a line extending from a point near the Hazy Islands at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude, to the southern end of Cape Decision, thence following the watershed on Kuiu Island to a point on the east side of Kuiu Island at 56 degrees 40 minutes north latitude, 133 degrees 44 minutes 15 seconds west longitude, thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to a point on the east coast of Kupreanof Island at 56 degrees 54 minutes north latitude, thence across Frederick Sound to Horn Cliffs on the mainland, thence to Frederick Point on Mitkof Island, thence to Point Howe, thence to South Craig Point on Zarembo Island, thence to Drag Island in Chichagof Pass, thence to Chichagof Peak on Wrangell Island, thence to Babbler Point on the mainland, thence to Mount Cote, thence following the international boundary to Mount Lewis Pass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence to a point on the west coast of Prince of Wales Island at 56 degrees 7 minutes 36 seconds north latitude, thence due west to the east coast of Kosciuszko Island, thence southerly along the watershed of Kosciuszko Island to the southern extremity of the island at 133 degrees 43 minutes west longitude, thence due south to 55 degrees 40 minutes north latitude, thence due west to 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to the

point of beginning at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude.

§ 121.3 *Open seasons, Ernest Sound, Zimovia Strait, and Anan.* Commercial fishing for salmon, other than trolling, in Ernest Sound, Zimovia Strait and in the open area in the vicinity of Anan Creek is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3, and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 121.4 *Open seasons, exceptions.* With the exception of Ernest Sound, Zimovia Strait, and the vicinity of Anan Creek, commercial fishing for salmon other than trolling, is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3, and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 121.5 *Beach seines prohibited; exception.* The use of any beach seine is prohibited, except in Wrangell Narrows, where beach seines not less than 65 fathoms nor more than 100 fathoms in length may be used.

§ 121.6 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length, and mesh shall be not less than 5% inches stretched measure between knots.

§ 121.7 *Closed waters, Bradfield Canal.* Commercial fishing for salmon is prohibited in all waters of Bradfield Canal east of 131 degrees 55 minutes 30 seconds west longitude.

§ 121.8 *Closed waters, Blake Channel and Eastern Passage.* Commercial fishing for salmon is prohibited in all waters of Blake Channel and Eastern Passage between Bradfield Canal and a line from Babler Point to a point on Wrangell Island at 56 degrees 27 minutes 50 seconds north latitude, 132 degrees 17 minutes 15 seconds west longitude: *Provided*, That this prohibition shall not apply to trolling prior to 6 o'clock postmeridian May 31 and after 6 o'clock antemeridian October 15 in each year.

§ 121.9 *Gear restriction, Anita Bay.* Commercial fishing for salmon, except by trolling, is prohibited in Anita Bay, opening into Zimovia Strait, Etolin Island.

§ 121.10 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Kosciusko Island: Western coast within 1,500 feet of a point at 55 degrees 55 minutes 56 seconds north latitude, 133 degrees 48 minutes 22 seconds west longitude.

(b) Warren Island, near Kosciusko Island: East coast of Warren Island within 2,500 feet of a point at 55 degrees 51 minutes 37 seconds north latitude.

(c) Kuiu Island: East coast (1) within 2,500 feet from a point at 56 degrees 13 minutes 25 seconds north latitude, 133 degrees 52 minutes 32 seconds west

longitude, and (2) within 2,500 feet from a point at 56 degrees 14 minutes 30 seconds north latitude, 133 degrees 53 minutes west longitude.

(d) Kuiu Island: East coast of peninsula between Port Beauclerc and Reid Bay from 56 degrees 18 minutes 36 seconds north latitude northward to 56 degrees 19 minutes 6 seconds north latitude.

(e) Prince of Wales Island: Northwest coast (1) within 2,500 feet of a point at 56 degrees 19 minutes 3 seconds north latitude, 133 degrees 39 minutes 42 seconds west longitude, and (2) within 1,500 feet of a point, on an unnamed island at the entrance to Port Protection, at 56 degrees 20 minutes 41 seconds north latitude, 133 degrees 38 minutes 4 seconds west longitude.

(f) Prince of Wales Island: North coast between 133 degrees 29 minutes 1 second west longitude and 133 degrees 33 minutes 27 seconds west longitude.

(g) Prince of Wales Island: North coast between 133 degrees 23 minutes 27 seconds west longitude and 133 degrees 24 minutes 22 seconds west longitude.

(h) Prince of Wales Island: North coast within 4,500 feet westerly of Point Colpoys.

(i) Kupreanof Island: Southern coast within 2,500 feet from a point at 56 degrees 26 minutes 14 seconds north latitude, 133 degrees 29 minutes 32 seconds west longitude.

(j) Etolin Island: West coast (1) from 56 degrees 16 minutes 50 seconds north latitude southerly to a point at 56 degrees 16 minutes 29 seconds north latitude, and (2) between Steamer Point Light and Steamer Point.

§ 121.11 *Closed waters.* All commercial fishing for salmon is prohibited, as follows:

(a) Salmon Bay and tributary waters, northeast coast of Prince of Wales Island: All waters within the bay and its tributary waters and within 1/2 statute mile outside the mouth of Salmon Bay.

(b) Red Bay, north shore of Prince of Wales Island: All waters south of a true east and west line passing through the north shore of Dead Island.

(c) Olive Cove, indenting the northeastern shore of Etolin Island.

(d) Thoms Place, indenting the southwestern shore of Wrangell Island, Zimovia Strait.

(e) Fools Inlet, southeast coast of Wrangell Island: All waters within 1 statute mile of the mouth of the salmon stream flowing into the head of the inlet.

(f) Duncan Canal, Kupreanof Island: All waters within 1 statute mile of any salmon stream tributary to Duncan Canal.

(g) Kah Sheets Bay, southeast coast of Kupreanof Island: All waters within 1,000 yards of the mouth of the salmon stream flowing into the head of the bay.

(h) Totem Bay, south coast of Kupreanof Island: All waters within 1,000 yards of the mouth of any salmon stream flowing into the head of the bay.

(i) Barrie Creek, north of Point Barrie, southwest shore of Kupreanof Island: All waters within 2 statute miles of the mouth of the creek.

(j) Keku Strait, east coast of Kuiu Island: Waters of Keku Strait, including

all waters of Big Johns Bay, enclosed by a line from a point at 56 degrees 35 minutes 7 seconds north latitude, 133 degrees 42 minutes 32 seconds west longitude, to a point at 56 degrees 35 minutes 7 seconds north latitude, 133 degrees 39 minutes 57 seconds west longitude, and a line from the northern extremity of Point Camden to a point at 56 degrees 48 minutes 47 seconds north latitude, 133 degrees 45 minutes 57 seconds west longitude. A portion of the closed waters of Big Johns Bay is north of 56 degrees 48 minutes 47 seconds north latitude. A part of the waters closed is in the Eastern district.

(k) Three Mile Arm, east coast of Kuiu Island: All waters within 1,000 yards of the mouth of any salmon stream.

(l) Seclusion Harbor, east coast of Kuiu Island: All waters within the outermost points of the harbor.

(m) Port Beauclerc, southeastern coast of Kuiu Island: All waters within 1,000 yards of the mouth of any salmon stream tributary to Port Beauclerc.

(n) Affleck Canal, southeastern coast of Kuiu Island: Bear Harbor north of 56 degrees 15 minutes 6 seconds north latitude, and East Arm north of 56 degrees 17 minutes 36 seconds north latitude.

(o) Calder Bay, west coast of Prince of Wales Island: All waters north of 56 degrees 11 minutes 12 seconds north latitude.

(p) El Capitan Passage, between Kosciusko Island and Prince of Wales Island: El Capitan Passage and contiguous waters between 56 degrees 7 minutes 36 seconds north latitude and a line extending due north from the point of land on Kosciusko Island at 56 degrees 8 minutes 53 seconds north latitude, 133 degrees 27 minutes 37 seconds west longitude.

(q) Shipley Bay, west coast of Kosciusko Island: All waters east of 133 degrees 33 minutes 5 seconds west longitude.

(r) Hole in the Wall, northwest coast of Prince of Wales Island: All waters within the outermost points of the entrance to the bay.

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

Sec.	
122.1	Definition, Southeastern Alaska area.
122.2	Definition, Clarence Strait district.
122.3	Definitions, fishing sections, Clarence Strait district.
122.4	Open seasons, northern section.
122.5	Open seasons, central, southeast, and southwest sections.
122.6	Closed season for trolling, Behm Canal.
122.7	Total aggregate length of gill nets.
122.8	Areas open to traps.
122.9	Closed waters.

AUTHORITY: §§ 122.1 to 122.9 (with the exceptions cited in parentheses following sections affected), issued under 44 Stat. 752; 48 U. S. C. 221.

§ 122.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 122.2¹ *Definition, Clarence Strait district.* All territorial waters within a line extending from a point on the southwest coast of Prince of Wales Island at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude, near Point Marsh, thence south to the international boundary at a point 132 degrees 20 minutes west longitude, thence east along the international boundary to a point at 131 degrees 40 minutes west longitude, thence north to a point west of Point Davison at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence to the southern extremity of Point Davison, thence northerly along the watershed of Annette Island to the northern extremity of Walden Point, thence to the southern extremity of Gravina Point, thence northwesterly to the northern extremity of Vallenar Point, thence to Point Higgins, thence along the water shed of Revillagigedo Island to Claude Point, thence to Point Lees, thence to Mount Lewis Cass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island, at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence southerly along the watershed of Prince of Wales Island to the point of beginning at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude.

§ 122.3 *Definitions, fishing sections, Clarence Strait district.* Fishing sections in the Clarence Strait district are defined as follows:

(a) Northern section: All waters north of a line extending from Narrow Point to Ernest Point.

(b) Central section: All waters between a line extending from Narrow Point to Ernest Point and a line extend-

ing from Approach Point to Caamano Point.

(c) Southeast section: All waters south of a line extending from Approach Point to Caamano Point and east of a line extending down the middle of Clarence Strait, including the North Arm of Behm Canal.

(d) Southwest section: All waters south of a line extending from Approach Point to Caamano Point and west of a line extending down the middle of Clarence Strait.

§ 122.4 *Open seasons, northern section.* Commercial fishing for salmon, other than trolling, in the northern section is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3, and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 122.5 *Open seasons, central, southeast, and southwest sections.* Commercial fishing for salmon, other than trolling, in the central, southeastern, and southwestern sections is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3, and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 122.6 *Closed season for trolling, Behm Canal.* Commercial fishing for salmon by trolling is prohibited in Behm Canal and its tributaries within a line from Point Sykes to Point Alava, across the eastern entrance of the canal, and a line from Escape Point to Point Francis, across the western entrance, from 6 o'clock postmeridian April 30 to 6 o'clock postmeridian July 15. A part of these waters is in the Southern district.

§ 122.7 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length.

§ 122.8 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Etolin Island: West coast from 56 degrees 9 minutes 20 seconds north latitude southward to 56 degrees 7 minutes 50 seconds north latitude.

(b) Etolin Island: West coast from 56 degrees 4 minutes 35 seconds north latitude southeasterly to 56 degrees 7 minutes 35 seconds north latitude.

(c) West coasts of Observation Island, Marsh Island, and the northwesternmost island of the Screen Islands group.

(d) East Island: East coast within 2,500 feet of a point at 56 degrees 10 minutes 6 seconds north latitude, 132 degrees 54 minutes 13 seconds west longitude.

(e) Prince of Wales Island: East coast from a point 1 statute mile south of the mouth of Eagle Creek to 55 degrees 55 minutes 20 seconds north latitude.

(f) Prince of Wales Island: East coast from a point at 55 degrees 51 minutes 30 seconds north latitude southeasterly to a point at 55 degrees 50 minutes 50 seconds north latitude.

(g) Prince of Wales Island: East coast from a point at 55 degrees 47 minutes 35

seconds north latitude southeasterly to a point at 55 degrees 46 minutes 45 seconds north latitude.

(h) Onslow Island: West coast from a point south of Gull Point at 55 degrees 52 minutes 57 seconds north latitude to Ernest Point.

(i) Cleveland Peninsula: South side of Ernest Sound within 1,500 feet of a point on the northwestern extremity of Union Point at 55 degrees 48 minutes 10 seconds north latitude, 132 degrees 11 minutes west longitude.

(j) Cleveland Peninsula: East side of Clarence Strait within 2,000 feet southerly of a point at 55 degrees 45 minutes 48 seconds north latitude, 132 degrees 17 minutes 5 seconds west longitude.

(k) Cleveland Peninsula: West Coast (1) from a point at 55 degrees 44 minutes 12 seconds north latitude, 132 degrees 15 minutes 31 seconds west longitude, southerly to 55 degrees 43 minutes 5 seconds north latitude, (2) from 55 degrees 40 minutes 5 seconds north latitude to 55 degrees 39 minutes 35 seconds north latitude, (3) from 55 degrees 36 minutes 15 seconds north latitude to 55 degrees 34 minutes 50 seconds north latitude, (4) from 55 degrees 33 minutes 35 seconds north latitude to 55 degrees 32 minutes 35 seconds north latitude, 132 degrees 3 minutes 55 seconds west longitude, and (5) from 55 degrees 31 minutes 27 seconds north latitude, 132 degrees 1 minute 55 seconds west longitude, to 131 degrees 59 minutes 55 seconds west longitude.

(l) Westerly side of the Vallenar Rock Island located about 800 yards from the northern extremity of Vallenar Point.

(m) Gravina Island: West coast (1) from South Vallenar Point to 55 degrees 20 minutes 48 seconds north latitude, (2) from 55 degrees 18 minutes 50 seconds north latitude to 55 degrees 8 minutes 15 seconds north latitude, including the rocky islets adjacent to this coast, and (3) the Bronaugh Islands south of 55 degrees 7 minutes 10 seconds north latitude.

(n) Gravina Island: East coast (1) within 2,500 feet of a point at 55 degrees 10 minutes 30 seconds north latitude, including adjacent rocks, and (2) within 2,500 feet of a point at 55 degrees 12 minutes north latitude near the south side of the entrance to Bostwick Inlet.

(o) Gravina Island: East coast from 55 degrees 15 minutes north latitude northward to Blank Point at 55 degrees 15 minutes 11 seconds north latitude, 131 degrees 40 minutes 13 seconds west longitude.

(p) Annette Island: West coast from Walden Point to Davison Point, including the west shore of Warburton Island, exclusive of the coast between 55 degrees 10 minutes 5 seconds north latitude and 55 degrees 11 minutes 5 seconds north latitude.

(q) Grindall Island, off Grindall Point, Prince of Wales Island: Within 3,500 feet northwesterly of the eastern extremity of Approach Point.

(r) Prince of Wales Island: East coast (1) from a point on Grindall Point at 55 degrees 28 minutes 10 seconds north latitude northwesterly to a point at 55 degrees 28 minutes 35 seconds north latitude, (2) from 55 degrees 30 minutes 5

¹ All of the fisheries regulations herein prescribed for the Clarence Strait district of the Southeastern Alaska area are also applicable in the waters of the Annette Island Fishery Reserve. This Reserve was created by Presidential proclamation on April 28, 1916, for the use of the Metlakatla Indians who reside in this vicinity. Part of the waters of this Reserve are in the Southern district.

seconds north latitude to 55 degrees 31 minutes 5 seconds north latitude, and (3) from 55 degrees 38 minutes 20 seconds north latitude to a point southeasterly of Tolstoi Point at 55 degrees 39 minutes 5 seconds north latitude.

(s) Prince of Wales Island: East coast within 2,500 feet southerly of a point at 55 degrees 23 minutes 40 seconds north latitude, 132 degrees 13 minutes 55 seconds west longitude.

(t) Prince of Wales Island: East coast (1) from 55 degrees 20 minutes 15 seconds north latitude to 55 degrees 20 minutes 56 seconds north latitude, 132 degrees 9 minutes 38 seconds west longitude, and (2) within 2,500 feet of a point at 55 degrees 22 minutes 22 seconds north latitude, 132 degrees 11 minutes 15 seconds west longitude.

(u) Prince of Wales Island: East coast (1) Wedge Island, (2) from 55 degrees 11 minutes 25 seconds north latitude to 55 degrees 12 minutes 5 seconds north latitude, and (3) within 4,000 feet northerly from a point on a small island between Halibut Creek and Chasina Point, at approximately 55 degrees 15 minutes 5 seconds north latitude.

(v) Prince of Wales Island: East coast within 2,500 feet of a point at 55 degrees 6 minutes 51 seconds north latitude, 131 degrees 59 minutes 40 seconds west longitude.

(w) Prince of Wales Island: East coast (1) within 1,000 feet of an unnamed islet at 55 degrees 2 minutes north latitude, and (2) eastern shore of Polk Island.

(x) Prince of Wales Island: East coast, including adjacent rocks, from 54 degrees 56 minutes north latitude to 54 degrees 57 minutes 45 seconds north latitude.

(y) Prince of Wales Island: From the outer point of land on the north side of Kendrick Bay at approximately 131 degrees 58 minutes 25 seconds west longitude northward, including adjacent rocks, for a distance of 2,500 feet.

(z) Prince of Wales Island: East coast from a point at 54 degrees 49 minutes 50 seconds north latitude, 131 degrees 57 minutes 35 seconds west longitude, north of the entrance to Gardner Bay, northwesterly to a point on the south side of Kendrick Bay at 131 degrees 58 minutes 55 seconds west longitude.

(aa) Prince of Wales Island: East coast from McLean Point to a point 3,500 feet southward.

(bb) Prince of Wales Island: East coast from 54 degrees 42 minutes 12 seconds north latitude to 54 degrees 44 minutes 30 seconds north latitude.

(cc) Prince of Wales Island: From a point near Nichols Bay at 132 degrees 4 minutes 55 seconds west longitude eastward and southward for a distance of 5,000 feet.

(dd) Bean Island: Within 2,500 feet of a point at 54 degrees 41 minutes 15 seconds north latitude, 132 degrees 6 minutes 5 seconds west longitude.

(ee) Prince of Wales Island: South coast from a point at 54 degrees 42 minutes 34 seconds north latitude, 132 degrees 9 minutes 55 seconds west longitude, easterly to a point at 54 degrees 41 minutes 30 seconds north latitude, 132 degrees 7 minutes 46 seconds west longitude.

(ff) Prince of Wales Island: South coast within 3,000 feet northeasterly from the extremity of land at 54 degrees 43 minutes 9 seconds north latitude, 132 degrees 13 minutes 30 seconds west longitude.

(gg) Coast line within 450 feet of the eastern extremity of the island situated at 54 degrees 42 minutes 55 seconds north latitude, 132 degrees 16 minutes 10 seconds west longitude.

(hh) Cleveland Peninsula: From a point near the south side of the entrance to Smugglers Cove at 55 degrees 34 minutes 10 seconds north latitude southwesterly to 55 degrees 31 minutes 30 seconds north latitude.

(ii) Cleveland Peninsula: Within 1,500 feet of a point on the northeast shore of an unnamed island at the south entrance to Bond Bay at 55 degrees 30 minutes 21 seconds north latitude, 131 degrees 57 minutes 24 seconds west longitude.

(jj) Revillagigedo Island: Within 1/2 statute mile of Escape Point at 55 degrees 38 minutes 54 seconds north latitude.

(kk) Revillagigedo Island: Within 2,500 feet of a point at 55 degrees 36 minutes 52 seconds north latitude, 131 degrees 41 minutes 52 seconds west longitude.

(ll) Revillagigedo Island: Within 1 1/8 statute miles northeasterly from a point north of Point Higgins at 55 degrees 27 minutes 50 seconds north latitude, 131 degrees 49 minutes 52 seconds west longitude.

(mm) Betton Island: West coast between the southern extremity of the island and 55 degrees 30 minutes 5 seconds north latitude.

§ 122.9 *Closed waters.* All commercial fishing for salmon is prohibited, as follows:

(a) Moira Sound, east coast of Prince of Wales Island: South Arm south of 54 degrees 57 minutes 34 seconds north latitude, all waters in Frederick Cove, Kegan Cove, and within 1,000 yards of the mouth of any salmon stream in Johnson Cove.

(b) Dolomi Bay, tributary to Port Johnson, east coast of Prince of Wales Island: All waters within the outermost points of the bay.

(c) Cholmondeley Sound, east coast of Prince of Wales Island: All waters in Dora Bay and Sunny Cove.

(d) Skowl Arm, Prince of Wales Island: McKenzie Inlet south of 55 degrees 21 minutes 35 seconds north latitude, and Polk Inlet south of 55 degrees 25 minutes 15 seconds north latitude.

(e) Twelvemile Arm, Kasaan Bay: All waters tributary to the west side of Twelvemile Arm within a line from a point at 55 degrees 27 minutes 15 seconds north latitude, 132 degrees 39 minutes 55 seconds west longitude, to a point at 55 degrees 28 minutes 46 seconds north latitude, 132 degrees 38 minutes 25 seconds west longitude.

(f) Kasaan Bay, east coast of Prince of Wales Island: Within 1 statute mile of the mouth of any salmon stream in Karta Bay.

(g) Thorne and Tolstoi Bays, east coast of Prince of Wales Island: Within 1 statute mile of the mouth of any salmon stream, and all waters of Thorne Bay

west of 132 degrees 28 minutes 35 seconds west longitude.

(h) Ratz Harbor, indenting the eastern shore of Prince of Wales Island: All waters within the harbor.

(i) Eagle Creek, about 1 mile south of Luck Point, northeast coast of Prince of Wales Island: All waters within 1 statute mile of the mouth of the creek.

(j) Barnes Lake, at head of Lake Bay, northeast coast of Prince of Wales Island: All waters in Barnes Lake and within 500 yards outside its entrance.

(k) Whale Passage, northeast coast of Prince of Wales Island: All waters within 1,000 yards of the mouth of any salmon stream.

(l) McHenry Inlet, southwest coast of Etolin Island: All waters within 1,000 yards of the salmon streams emptying into the head of McHenry Inlet.

(m) Rocky Bay, west coast of Etolin Island: All waters within 1 statute mile of the head of the bay.

(n) Yes Bay, Cleveland Peninsula: All waters within the bay and all waters outside the entrance within 1,000 yards of a line from Bluff Point to Syble Point.

(o) Shrimp Bay, west coast of Revillagigedo Island: All waters east of a line running south from Dress Point to the opposite shore.

(p) Traitors Cove, west coast of Revillagigedo Island: All waters of the cove within a line 50 yards outside the neck of the salt-water lagoon.

(q) Naha Bay, west shore of Revillagigedo Island: Within 1 statute mile of the falls at the outlet of Roosevelt Lagoon.

(r) Raymond Cove, Behm Canal: All waters of the cove within a line from the southern extremity of Mike Point northeasterly to a point at 55 degrees 37 minutes 45 seconds north latitude, 131 degrees 51 minutes 50 seconds west longitude.

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

Sec.

123.1 Definition, Southeastern Alaska area.

123.2 Definition, South Prince of Wales Island district.

123.3 Open seasons.

123.4 Registration and reporting of boats.

123.5 Total aggregate length of gill nets.

123.6 Areas open to traps.

123.7 Closed waters.

AUTHORITY: §§ 123.1 to 123.7 (with the exceptions cited in parentheses following sections affected) issued under 44 Stat. 752; 48 U. S. C. 221.

§ 123.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon entrance on the south to and including Yakutat Bay on the north.

§ 123.2 *Definition, South Prince of Wales Island district.* All territorial waters within a line extending from a point west of the Maurelle Islands at 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to a point west of Cape Addington at 55 degrees 25 minutes 30 seconds north latitude, 134 degrees west longitude, thence to a point southwest

of Forrester Island at 54 degrees 40 minutes north latitude, 133 degrees 35 minutes west longitude, thence to the southern extremity of Cape Muzon, thence along the international boundary to a point at 132 degrees 20 minutes west longitude, thence north to a point on the southwest coast of Prince of Wales Island at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude, near Point Marsh, thence northerly along the watershed of Prince of Wales Island to a point at 56 degrees 7 minutes 36 seconds north latitude, thence due west to the east coast of Kosciusko Island, thence southerly along the watershed of Kosciusko Island to the southern extremity of the island at 133 degrees 43 minutes west longitude, thence due south to 55 degrees 40 minutes north latitude, thence to the point of beginning at 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude.

§ 123.3 *Open seasons.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3: *Provided*, That this prohibition shall not apply to purse seines after 6 o'clock antemeridian July 5 in waters west of a line extending northwesterly from Cape Muzon through Cape Ulitka to the northern boundary of the South Prince of Wales Island district.

(b) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 123.4 *Registration and reporting of boats.* In the period prior to August 9, all fishing boats, other than trollers, entering the district shall be registered with the local Fish and Wildlife Service representatives prior to engaging in fishing, and thereafter until August 9 shall report daily the number of salmon caught, the place of capture, and the disposition of the catch.

§ 123.5 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length, and mesh shall be not less than 5½ inches stretched measure between knots.

§ 123.6 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Noyes Island: North coast between 133 degrees 39 minutes 57 seconds west longitude and 133 degrees 42 minutes 13 seconds west longitude.

(b) Noyes Island: North coast within 2,500 feet of the northern extremity of Cape Ulitka at 55 degrees 33 minutes 42 seconds north latitude, 133 degrees 43 minutes 40 seconds west longitude.

(c) Noyes Island: Southwest coast within 2,500 feet along the northwestern shore of an unnamed peninsula from a point at 55 degrees 27 minutes 32 seconds north latitude, 133 degrees 48 minutes 8 seconds west longitude.

(d) San Fernando Island: Northern coast from Point Garcia to a point on the

coast at 55 degrees 34 minutes 7 seconds north latitude, 133 degrees 23 minutes 57 seconds west longitude.

(e) San Fernando Island: Southeastern coast from a point on the coast 1½ statute miles southwest of Fern Point southerly to a point 2 statute miles northeasterly of Point Amargura.

(f) St. Philip Island: Within 2,500 feet of the western extremity of the island.

(g) Blanquial Island: Coast west of 133 degrees 23 minutes 57 seconds west longitude.

(h) Prince of Wales Island: Coast along San Christoval Channel from a point at 55 degrees 37 minutes 6 seconds north latitude southward to 133 degrees 17 minutes 20 seconds west longitude.

(i) St. Ignace Island: Within ¾ statute mile of the southern extremity of the island.

(j) Baker Island: East coast from Point Maria to Point Capones.

(k) Suemez Island: Northern coast from 55 degrees 20 minutes north latitude, 133 degrees 23 minutes 38 seconds west longitude, to 133 degrees 20 minutes 36 seconds west longitude.

(l) Prince of Wales Island: Coast from a point north of Point Providence at 133 degrees 15 minutes 10 seconds west longitude to a point on the coast between Tranquil Point and Point Batan at 133 degrees 12 minutes 56 seconds west longitude.

(m) Dall Island: Coast from a point on the south side of the entrance to McLeod Bay at 54 degrees 41 minutes 7 seconds north latitude, southeasterly to Kaigani Village, including coast line of nearby island within 300 feet of a point at 54 degrees 40 minutes 34 seconds north latitude, 132 degrees 39 minutes 46 seconds west longitude.

(n) Long Island, east of Dall Island: West coast within 2,500 feet measured along the coast from 54 degrees 46 minutes 19 seconds north latitude.

(o) Sukkwan Island: Southwestern coast (1) from 55 degrees 2 minutes 35 seconds north latitude to 55 degrees 1 minute 20 seconds north latitude; and (2) within 2,500 feet of a point at 55 degrees north latitude, 132 degrees 46 minutes west longitude.

(p) Prince of Wales Island: West coast within 2,500 feet of a point at 55 degrees 2 minutes 20 seconds north latitude, 132 degrees 35 minutes 18 seconds west longitude.

(q) Prince of Wales Island: From Point Webster southeasterly to 54 degrees 55 minutes 52 seconds north latitude, 132 degrees 32 minutes 30 seconds west longitude.

(r) Ship Islands, Cordova Bay: Within 300 yards west of the southern extremity of the eastern large island of the Ship Islands group at 54 degrees 53 minutes 39 seconds north latitude, 132 degrees 30 minutes 6 seconds west longitude.

(s) Coast line of a small island near the entrance to Ruth Bay within 2,500 feet of a point at 54 degrees 53 minutes 40 seconds north latitude, 132 degrees 26 minutes 27 seconds west longitude.

(t) Heceta Island: Western and southern coast from a point at 55 degrees 43 minutes 13 seconds north latitude, 133

degrees 37 minutes 20 seconds west longitude, to a point at 55 degrees 41 minutes 36 seconds north latitude, 133 degrees 31 minutes 37 seconds west longitude.

(u) Tuxekan Island: Western coast from a point 55 degrees 52 minutes 56 seconds north latitude southerly to point at 55 degrees 52 minutes 21 seconds north latitude.

(v) Tuxekan Island: Western coast within 1,000 feet of the western extremity of Turn Point.

§ 127.7 *Closed waters.* All commercial fishing for salmon is prohibited, as follows:

(a) Klawak Inlet, west coast of Prince of Wales Island: All waters in the head of the inlet east of 133 degrees 5 minutes west longitude.

(b) Klawak Harbor, west coast of Prince of Wales Island: All waters south of 55 degrees 33 minutes 27 seconds north latitude.

(c) Trocadero Bay, west coast of Prince of Wales Island: All waters in the bay east of a true north and south line passing through the eastern extremity of the peninsula just south of Copper Mine.

(d) Manhattan Arm, west coast of Dall Island: All waters east of 133 degrees 10 minutes west longitude.

(e) Sawmill Cove, east coast of Dall Island: All waters of the cove within a line indicated by markers erected for the purpose.

(f) Kasook Inlet, southern coast of Sukkwan Island: All waters within 1 statute mile of head of inlet.

(g) Hetta Inlet, west coast of Prince of Wales Island: All waters within a true north and south line passing through the western extremity of Gould Island.

(h) Deer Bay, Hetta Inlet: All waters within the bay.

(i) Hetta Harbor, Hetta Inlet: All waters within the harbor.

(j) Eek Inlet, Hetta Inlet: All waters within the inlet.

(k) Hunter Bay, southwest coast of Prince of Wales Island: All waters within 1 statute mile outside the mouths of all salmon streams.

(l) Devilfish Bay, east coast of Kosciusko Island: All waters within the bay.

(m) Sarkar Cove, west coast of Prince of Wales Island, tributary to El Capitan Passage: All waters inside of a line across the entrance.

(n) Tuxekan Passage and contiguous waters east of 133 degrees 17 minutes west longitude.

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

124.1 Definition, Southeastern Alaska area.

124.2 Definition, Southern district.

124.3 Open seasons.

124.4 Closed season for trolling, Behm Canal.

124.5 Closed seasons for trolling, Burroughs Bay.

124.6 Total aggregate length of gill nets.

124.7 Gear restriction, Tongass Narrows.

124.8 Areas open to traps.

124.9 Closed waters.

AUTHORITY: §§ 124.1 to 124.9 (with the exceptions cited in parentheses following sections affected), issued under 44 Stat. 752; 48 U. S. C. 221.

§ 124.1 *Definition, Southeastern Alaska area.* The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

§ 124.2 *Definition, Southern district.*¹ All territorial waters within a line beginning at a point on the international boundary at 131 degrees 40 minutes west longitude and following that boundary to Mount Lewis Cass, thence southerly to Point Lees, thence to Claude Point, thence southerly along the watershed of Revillagigedo Island to Point Higgins, thence to Vallenar Point on Gravina Island, thence southerly and easterly along the watershed of Gravina Island to Gravina Point, thence to Walden Point on Annette Island, thence southerly along the watershed of Annette Island to Davison Point, thence west to a point at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence due south to the point of beginning on the international boundary at 131 degrees 40 minutes west longitude.

§ 124.3 *Open seasons.* Commercial fishing for salmon, other than trolling, is prohibited except (a) from 6 o'clock antemeridian August 9 to 6 o'clock postmeridian September 3, and (b) from 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

§ 124.4 *Closed season for trolling, Behm Canal.* Commercial fishing for salmon by trolling is prohibited in Behm Canal and its tributaries within a line from Point Sykes to Point Alava, across the eastern entrance of the Canal, and a line from Escape Point to Point Francis, across the western entrance, from 6 o'clock postmeridian April 30 to 6 o'clock postmeridian July 15. A part of these waters is in the Clarence Strait district.

§ 124.5 *Closed seasons for trolling, Burroughs Bay.* Commercial fishing for salmon by trolling is prohibited in Burroughs Bay (indenting mainland north of Revillagigedo Island) for the remainder of each calendar year after 6 o'clock postmeridian August 16: *Provided*, That this prohibition shall not apply to the period from 6 o'clock antemeridian October 20 to 6 o'clock postmeridian November 30 in each year.

§ 124.6 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length.

§ 124.7 *Gear restriction, Tongass Narrows.* Commercial fishing for salmon,

except by trolling, is prohibited in the waters of Tongass Narrows between a line from Mountain Point to Gravina Point and a line from Point Higgins to Vallenar Point.

§ 124.8 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Annette Island: East coast from Harbor Point to a point at 55 degrees 6 minutes 48 seconds north latitude, including Ham Island.

(b) Revillagigedo Island: Southwest coast (1) from Carroll Point southeasterly to a point at 131 degrees 27 minutes 26 seconds west longitude, including the southern shore of the unnamed island at 55 degrees 16 minutes 57 seconds north latitude, 131 degrees 28 minutes 24 seconds west longitude, and (2) within 2,500 feet of a point at 55 degrees 15 minutes 36 seconds north latitude, 131 degrees 21 minutes 15 seconds west longitude.

(c) Revillagigedo Island: From Cone Point southeasterly to a point at 55 degrees 11 minutes 41 seconds north latitude, 131 degrees 10 minutes 36 seconds west longitude, including Cone Island.

(d) Mainland peninsula between Smeaton Bay and Boca de Quadra: Along the coast (1) from Point Sykes at 55 degrees 11 minutes 41 seconds north latitude, 131 degrees 5 minutes 24 seconds west longitude, to a point at 55 degrees 9 minutes 56 seconds north latitude, and (2) from 55 degrees 7 minutes 50 seconds north latitude to a point at 55 degrees 6 minutes 44 seconds north latitude, 131 degrees 2 minutes 47 seconds west longitude.

(e) Southwestern coast of island located southwesterly from Kah Shakes Point at 55 degrees 2 minutes 47 seconds north latitude, 131 degrees 0 minutes 27 seconds west longitude.

(f) Mainland south of Kah Shakes Cove: From a point at 55 degrees 1 minute 59 seconds north latitude, 130 degrees 59 minutes 54 seconds west longitude, southward to 55 degrees 1 minute 20 seconds north latitude.

(g) Mainland south of Foggy Bay: Along the coast (1) from within 1/2 statute mile northward of Foggy Point to a point at 54 degrees 54 minutes 5 seconds north latitude; (2) from 54 degrees 53 minutes 5 seconds north latitude to 54 degrees 51 minutes 35 seconds north latitude; and (3) from 54 degrees 49 minutes 30 seconds north latitude to 54 degrees 46 minutes 30 seconds north latitude, 130 degrees 52 minutes 42 seconds west longitude.

(h) Cape Fox Island and within 1,000 feet of a point on an unnamed island near the western mainland shore at 54 degrees 45 minutes 47 seconds north latitude.

(i) Annette Island: South coast from the southern extremity of Davison Point northeasterly to a point at 55 degrees north latitude, 131 degrees 35 minutes 42 seconds west longitude.

(j) Percy Islands: Coast along the west and north sides of the westernmost island of the Percy Islands group.

(k) Duke Island: East coast within 1,500 feet of the outer extremity of Flag Point.

(l) Duke Island: East coast within 2,500 feet of Duke Point.

(m) Kelp Island: Southern coast from a point at 131 degrees 16 minutes 6 seconds west longitude to the eastern extremity of the island.

(n) Mainland east of Cape Fox: Within 2,500 feet southwesterly of a point at 54 degrees 46 minutes 48 seconds north latitude, 130 degrees 48 minutes 10 seconds west longitude.

(o) Tongass Island: West coast, including adjacent rocks, within 2,000 feet of a point at 54 degrees 46 minutes 36 seconds north latitude.

(p) Kanagunut Island: West coast from 54 degrees 44 minutes 35 seconds north latitude, 130 degrees 43 minutes 12 seconds west longitude, to Garnet Point.

(q) Sitklan Island: Within 1/2 statute mile of the southern extremity of the island.

§ 124.9 *Closed waters.* All commercial fishing for salmon is prohibited, as follows:

(a) Hidden Inlet, indenting mainland: All waters in the inlet north of 55 degrees 0 minutes 5 seconds north latitude.

(b) Fillmore Inlet, indenting mainland: All waters east of 130 degrees 29 minutes 54 seconds west longitude.

(c) Willard Inlet, indenting mainland: All waters north of 54 degrees 56 minutes 35 seconds north latitude.

(d) Ray Anchorage, east coast of Duke Island: All waters in Ray Anchorage.

(e) Very Inlet, indenting mainland: All waters within the inlet.

(f) Boca de Quadra, indenting mainland: All waters within 1 statute mile of the mouth of any salmon stream tributary to Boca de Quadra.

(g) George Inlet, southern coast of Revillagigedo Island: All waters north of a line from Bat Point to Tsa Cove.

(h) Smeaton Bay, indenting mainland: Within 1 statute mile outside the mouth of the salmon stream in Wilson Arm, and all waters of Bakewell Arm east of 130 degrees 39 minutes 54 seconds west longitude.

(i) Rudyerd Bay, indenting mainland: All waters in the north arm within 2 statute miles of the mouth of any salmon stream.

(j) Walker Cove, indenting mainland, tributary to Behm Canal: All waters within a line from Ledge Point to Hut Point.

(k) Chickamin River: All waters within a line from Fish Point to Trap Point.

Dated: December 22, 1948.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 48-11361; Filed, Dec. 28, 1948;
8:48 a. m.]

¹ All of the fisheries regulations herein prescribed for the Southern district of the Southeastern Alaska area are also applicable in the waters of the Annette Island Fishery Reserve. This Reserve was created by Presidential proclamation on April 28, 1916, for the use of the Metlakatla Indians who reside in this vicinity. Part of the waters of this Reserve are in the Clarence Strait district.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 133—SIGNAL, INTERLOCKING, TRAIN- CONTROL, AND TRAIN-ORDER STATISTICS

ANNUAL REPORT OF BLOCK-SIGNAL, INTER- LOCKING, AUTOMATIC TRAIN-STOP, TRAIN- CONTROL AND CAB-SIGNAL, CENTRALIZED TRAFFIC CONTROL, SPRING SWITCH AND TRAIN-ORDER AND TRAIN-COMMUNICATION STATISTICS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of August A. D. 1948.

The order of October 24, 1939 (49 CFR, Cum. Supp., 133.0), in the matter of block signal, train control, and train-order statistics, being under consideration:

It is ordered, That said order of October 24, 1939, be, and it is hereby, amended to read as follows:

§ 133.0 *Periodical reports required.* The information called for below must be furnished the Commission by all carriers by rail subject to the Interstate Commerce Act not later than January 15 of each year, namely:

A statement as of January 1, of each year showing railroad lines or parts of lines operated under the block system, number and types of interlocking, information concerning automatic train-stop, train-control, cab-signal, and centralized traffic control systems, and operation by signal indication only; also a statement of railroad lines and parts of lines on which orders regulating the movement of trains, commonly known as "train orders", are transmitted by telegraph or telephone; and statement as to the installation and use of spring switches, and train communications, systems, as set forth in the instructions, definitions and report forms accompanying this order.

§ 133.1 *Instructions and report forms.* [Forms and instructions for forms were filed with the Division of the Federal Register as part of the original document.]

(36 Stat. 555; 49 U. S. C. 20 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-11302; Filed, Dec. 28, 1948;
9:02 a. m.]

Subchapter D—Freight Forwarders

[No. 29493]

PART 400—AGREEMENTS, FORWARDERS— MOTOR COMMON CARRIERS

POSTPONEMENT OF EFFECTIVE DATE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 22d day of December A. D. 1948.

Upon further consideration of the rec-

No. 253—18

ord in the above-entitled proceeding, and upon consideration of request of forwarder respondents for postponement of the effective date of the order; and for good cause appearing:

It is ordered, That the order entered herein on September 24, 1948, which by its terms is to become effective January 22, 1949, upon notice provided in the terms and conditions of said order, be, and it is hereby, modified to become effective April 22, 1949, upon notice provided in the terms and conditions in said order of September 24, 1948.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(60 Stat. 21; 49 U. S. C. 1009 (a) (2))

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-11301; Filed, Dec. 28, 1948;
9:02 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 107, 111]

NUTS AND COTTONSEED WAREHOUSES

NOTICE OF INTENTION TO AMEND REGULATIONS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1946 ed. 1003 (a)) that the Secretary of Agriculture is considering amending the regulations relating to nuts warehouses (7 CFR, Part 107, as amended) and the regulations relating to cottonseed warehouses (7 CFR, Part 111, as amended) under the United States Warehouse Act, as amended (7 U. S. C. 1946 ed. 241-273) so as to delete from § 107.84 and § 111.85 the language presently contained therein providing in essence, that nothing in the regulations in said parts shall be construed to conflict with or impair or limit the effect of State warehouse laws.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments, may do so by filing them with the Director of the Marketing Facilities Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within 7 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of December 1948. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-11330; Filed, Dec. 28, 1948;
8:59 a. m.]

[7 CFR, Part 912]

[Docket No. AO 29-A7]

HANDLING OF MILK IN DUBUQUE, IOWA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMEND- MENT TO TENTATIVELY APPROVED MAR- KETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Market-
ing Agreement Act of 1937, as amended

(7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.), notice is hereby given of a public hearing to be held in the Civil Service Room, Federal Building, Dubuque, Iowa, beginning at 10 a. m. c. s. t., January 12, 1949, for the purpose of receiving evidence with respect to the proposed amendment hereinafter set forth or appropriate modifications thereof, to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area (7 CFR, Supps. 912.1 et seq.). The proposed amendment has not received the approval of the Secretary of Agriculture.

Proposed amendment. Proposed by the Dubuque Cooperative Dairy Marketing Association:

Amend §§ 912.3 to 912.14 to read as follows:

§ 912.1 *Definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 912.5 and 912.8.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) To have full authority in the sale of milk of its members; and (3) To be engaged in making collective sales of or marketing milk or its products for its members.

(f) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(g) "Dubuque, Iowa, Marketing Area," hereinafter called the "marketing area," means the territory within the corporate

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limits of the city of Dubuque, Iowa, the township of Dubuque, Iowa, sections 1, 2, 3, 11, and 12 of the township of Table Mound, and sections 5 and 6 of the township of Mosalem, all in the county of Dubuque in the State of Iowa.

(h) "Producer" means any person who, in conformity with the requirements of the Dubuque health authorities for milk disposed of for consumption as milk, produces milk which is received at the plant of a handler from which Class I milk is disposed of in the marketing area, or which a cooperative association causes to be delivered to a plant from which no Class I milk is disposed of in the marketing area.

(i) "Handler" means any person who on his own behalf or on behalf of others, purchases or receives milk and who disposes of Class I milk in the marketing area. This definition shall include any cooperative association with respect to milk caused to be delivered from a producer to a plant from which no Class I milk is disposed of in the marketing area.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers; *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

(k) "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

(l) "Other source milk" means skim milk or butterfat, except that in producer milk.

§ 912.2 Marketing Administrator—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions;

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an

amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 912.9;

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation, and;

(iii) All other expenses, except those incurred under § 912.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 912.3, or (ii) payments pursuant to §§ 912.8, 912.9, 912.10, or 912.11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows;

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to § 912.5, and

(ii) On or before the 10th day after the end of such delivery period, the uniform price computed, pursuant to § 912.7, and the butterfat differential computed pursuant to § 912.8, and

(11) Prepare and disseminate to the public such statistics and information as

he deems advisable and as do not reveal confidential information.

§ 912.3 Reports, records, and facilities—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, and (iii) other source milk; and the sources thereof;

(2) The pounds of milk products received from any nonhandler and disposed of in the same form;

(3) The utilization of all receipts required to be reported under subparagraphs (1) and (2) of this paragraph; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to

(1) The receipts and utilization, in whatever form, of skim milk and butterfat received, including milk products received and disposed of in the same form;

(2) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(3) Payments to producers and cooperative associations; and

(4) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 912.4 Classification—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(i) Disposed of in fluid form as milk, skim milk, buttermilk, or flavored milk or flavored milk drinks, cream or as any mixture containing cream and milk, or skim milk (not including ice cream mix) containing not less than 6 percent of butterfat, and

(ii) All unaccounted for milk in excess of 2 percent of the total receipts of milk from producers.

(2) Class II milk shall be all skim milk, and butterfat used to produce evaporated milk, condensed milk, ice cream, ice cream mix, cottage cheese, or any milk product other than those specified in Class I milk or Class III milk.

(3) Class III milk shall be (i) all milk, skim milk, and butterfat used to produce butter, American type Cheddar cheese, and casein;

(ii) In actual plant shrinkage of producer milk computed pursuant to paragraph (c) of this section, but not in excess of 2 percent thereof; and

(iii) In actual plant shrinkage of other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph between producer milk and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat (except that transferred to a producer-handler) classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or cream, or skim milk to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of

other source milk pursuant to paragraph (g) (1) (ii) of this section and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-price available utilization; *And provided further*, That if either or both handlers have received other source milk such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(3) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a non-handler's plant unless:

(i) The handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred;

(ii) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification.

(iii) Such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement; *Provided*, That, if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest priced available use in accordance with the classes set forth in paragraph (b) of this section.

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk.

(i) Subtract plant shrinkage of skim milk in producer milk pursuant to paragraph (c) (2) of this section from the total pounds of skim milk in Class III milk;

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk;

(iii) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to paragraph (e) of this section;

(iv) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subdivision (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series begin-

ning with the lowest-priced available use.

(2) Allocate classified butterfat to producer milk according to the method prescribed in subparagraph (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of the remaining Class I milk, Class II milk, and Class III milk computed pursuant to subparagraphs (1) and (2) of this paragraph.

§ 912.5 *Minimum prices*—(a) *Basic price to be used in determining class prices.* The basic price per hundredweight of milk to be used in determining the Class I and Class II prices provided by this section shall be the higher of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to subparagraph (1) or (2) of this paragraph, computed to the nearest one-tenth cent.

(1) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Morrison, Ill.
Dean Milk Co., Pearl City, Ill.
United Milk Products Co., Argo, Ill.
Pet Milk Co., Shullsburg, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period.

(ii) Add an amount equal to 2.4 times the average daily wholesale prices per pound of the cheese known as "Twins" in the Chicago market as reported by the Department during the delivery period.

(iii) Divide by seven, add 30 percent thereof, and multiply by 3.5.

(b) *Class I milk price.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class I milk, shall be the basic price determined pursuant to paragraph (a) of this section, plus the following:

Delivery period:	Amount
January, February, and March.....	\$0.90
April, May, and June.....	.70
All other months.....	1.15

(c) *Class II milk price.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk,

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shall be the basic price determined pursuant to paragraph (a) of this section.

(d) *Class III milk price.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class III milk, shall be the result of the following computation by the market administrator: Multiply by 2.4 the average of the daily wholesale prices per pound of the cheese known as "Twins" in the Chicago market, as reported by the Department during said delivery period and multiply such result by 3.5.

(e) *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(1) *Class I milk.* Multiply by 1.40 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department for the delivery period and divide the result by 10.

(2) *Class II milk.* Multiply by 1.30 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department for the delivery period and divide the result by 10.

(3) *Class III milk.* Multiply by 1.20 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period and divide the result by 10.

(f) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 912.6 *Application of provisions—*
(a) *Producer-handlers.* Sections 912.4,

912.5, 912.7, 912.8, 912.9, 912.10, and 912.11 shall not apply to a producer-handler.

(b) *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines, disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply, except as follows:

(1) The handler shall with respect to his total receipts and utilization of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(2) If the price which such handler is required to pay, under the other Federal order, to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided pursuant to § 912.5, such handler shall pay to the market administrator for deposit into the producer settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk in this marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 912.5 and its value as determined pursuant to the other order to which he is subject.

§ 912.7 *Determination of uniform prices—*(a) *Computation of value of milk.* The value of milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, and adding together the resulting amounts: *Provided*, That if a handler, after subtracting other source milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 912.3 (a) has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 912.4 (g) (1) (iv) and (2) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(1) Combine into one total the values computed pursuant to paragraph (a) of this section for all handlers who made the reports prescribed by § 912.3; except those in default of the payments prescribed in § 912.8 for the preceding delivery period;

(2) Add an amount representing one-half the cash balance on hand in the producer settlement fund, less the total amount of contingent obligations to handlers pursuant to § 912.11;

(3) Subtract, if the weighted average butterfat test of producer milk represented by the values included under subparagraph (1) of this paragraph is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an

amount computed by: multiplying the amount by which the weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 912.8 (b), and multiplying the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of milk represented by the values included in subparagraph (1) of this paragraph; and

(5) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed under subparagraph (4) of this paragraph.

(c) *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(1) The amount and value of the milk in each class and the totals thereof;

(2) The applicable minimum class prices and the uniform price;

(3) The amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 912.8 (d) and (e);

(4) The amount to be paid by each handler pursuant to §§ 912.8, 912.9, 912.10 and 912.11.

§ 912.8 *Payment for milk—*(a) *Time and method of payment.* Each handler shall make payments as follows:

(1) On or before the 15th day after the end of each delivery period, to each producer, except a producer for whom payment is received from the handler by a cooperative association pursuant to subparagraph (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to § 912.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (b) of this section, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (e) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 12th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such cooperative association during such delivery period, not less than the sum of the individual payments otherwise payable to such producers.

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, as the case may be, an amount

computed by multiplying the average daily wholesale price per pound of 92-score butter in Chicago, as reported by the Department for the delivery period, by 1.20, dividing by 10, and rounding to the nearest tenth of a cent.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 912.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section.

(e) *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 912.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (d) of this section §§ 912.9, 912.10, and 912.11: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 912.9 *Expenses of administration.* As his pro rata share of the expense incurred pursuant to § 912.2 (c) (4) each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and from sources other than producers or other handlers.

§ 912.10 *Marketing services.*—(a) *Deductions.* Except as set forth in paragraph (b) of this section each handler for each delivery period shall deduct 5 cents per hundredweight or such lesser amount as may be prescribed by the Secretary from the payments made to each producer pursuant to § 912.8, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such monies shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator

or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deduction to the cooperative association rendering such services.

§ 912.11 *Adjustments of accounts.*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in monies due

(1) The market administrator from such handler

(2) Such handler from the market administrator, or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) *Interest on overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 912.8, 912.9, 912.10, or paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 912.12 *Effective time.* (a) The provisions hereof or any amendments here-to shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provisions hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(d) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market ad-

ministrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 912.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 912.14 *Separability of provisions.* If any provisions hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Copies of this notice of hearing may be procured from Mr. E. H. McGuire, Market Administrator, 337 Federal Building, Dubuque, Iowa, or from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

Dated: December 23, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-11328; Filed, Dec. 23, 1948; 9:00 a. m.]

[7 CFR, Part 944]

[Docket No. AO 105-A6]

HANDLING OF MILK IN THE QUAD CITIES MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq.), notice is hereby given of a public hearing to be held in the Council Chambers, City Hall, Rock Island, Illinois, beginning at 10 a. m. c. s. t., January 7, 1949 for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth or appropriate modifications thereof to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order as amended regulating the handling of milk in the Quad Cities marketing area (7 CFR, Supps., 944.1 et seq.; 13 F. R. 2285). The proposed amendments have not received the approval of the Secretary of Agriculture.

PROPOSED RULE MAKING

Proposed by the Dairy Branch, Production and Marketing Administration:

1. Delete § 944.5 (a) (4) and substitute therefor the following:

(4) *Class IV milk.* The price resulting from the following computation: multiply by 2.4 the average daily wholesale price per pound of the cheese known as "Twins" in the Chicago market as reported by the Department of Agriculture during the delivery period and multiply such result by 3.5.

2. Make such other changes as may be necessary to bring the remaining provisions of the order into conformity with the amendments proposed herein.

Proposed by the Quad City Association of Milk Dealers:

Amend § 944.4 to provide that other source milk in processed form, except sweet cream butter, be eliminated from the class in which utilized.

Proposed by the Sturtevant Dairy Products Company:

Amend § 944.5 (a) so as to subtract 20 cents per hundredweight from the formula provided in subparagraph (3) when applied to Class III milk, but to retain the formula in its present form as a basis for pricing Class I and Class II milk.

Copies of this notice of hearing may be procured from Mr. E. H. McGuire, market administrator, 335 Federal Building, 16th Street and Second Avenue, Rock Island, Illinois, or from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

Dated: December 22, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-11335; Filed, Dec. 28, 1948;
8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

AIR-NAVIGATION SITE WITHDRAWAL NO. 255
ESTABLISHED

DECEMBER 20, 1948.

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. title 49, sec. 214) and pursuant to the authority delegated by the Secretary of the Interior (43 CFR 4.275 (a) (80iii)), it is ordered as follows:

Subject to valid existing rights the following-described public land in Colorado is hereby withdrawn from all forms of appropriation under the public land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 255:

Sixth Principal Meridian

T. 5 S., R. 84 W.,

Sec. 6, NW¼ of lot 11 (NW¼NW¼SW¼).

T. 5 S., R. 86 W.,

Sec. 1, SE¼NE¼SE¼.

The areas described aggregate 17.96 acres.

This order shall take precedence over but shall not modify the order of the Secretary of the Interior dated April 8, 1935, establishing Colorado Grazing District No. 2, so far as it affects the above described land.

It is intended that the public land described herein shall be returned to the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

MARION CLAWSON,
Director.

[F. R. Doc. 48-11294; Filed, Dec. 28, 1948;
9:31 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO PLO 539¹
WITHDRAWING PUBLIC LANDS FOR THE USE
OF THE BUREAU OF INDIAN AFFAIRS, FOR
HOSPITAL PURPOSES

¹ See F. R. Doc. 48-11292, Title 43, Chapter I, appendix, *supra*.

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

J. A. KRUG,
Secretary of the Interior.

DECEMBER 18, 1948.

[F. R. Doc. 48-11293; Filed, Dec. 28, 1948;
9:00 a. m.]

Office of the Secretary

[Order 2502]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY

SECTION 1. *State Directors; officers in charge.* State Directors and officers in charge of areas formerly encompassed in Regions Nos. 1, 4, and 5 of the Bureau of Indian Affairs may severally exercise within their respective jurisdictions such authority as has been redelegated by the Commissioner of Indian Affairs to District Directors in the regulations appearing in 43 CFR 02.3 to 02.10, inclusive, as amended.

SEC. 2. *Navajo Agency.* (a) The Superintendent of the Navajo Agency also may exercise the authority described in section 1 of this order.

(b) The Superintendent may approve applications of enterprises for the economic development of the Tribe, if the

indebtedness of the borrower, exclusive of indebtedness repayable in kind, will not exceed \$25,000, and he may approve modifications of applications and plans of operations theretofore approved, if the indebtedness of the borrower, exclusive of indebtedness repayable in kind, is \$25,000 or less.

SEC. 3. *Headquarters officials.* The Directors and Assistant Directors of divisions in the office of the Commissioner of Indian Affairs and the Chief Counsel and Assistant Chief Counsel of the Bureau of Indian Affairs are severally empowered to exercise the authority of the Commissioner of Indian Affairs in respect to deeds, contracts, mail, and other documents.

J. A. KRUG,
Secretary of the Interior.

DECEMBER 21, 1948.

[F. R. Doc. 48-11303; Filed, Dec. 28, 1948;
9:02 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2196 et al.]

NEW ENGLAND CENTRAL AIRWAYS SYSTEM,
INC. ET AL.; SERVICE IN NEW ENGLAND
STATES CASE

NOTICE OF POSTPONEMENT OF DATE OF
HEARING

In the matter of the application of New England Central Airways System, Inc., and other applicants for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new and/or additional air transportation services of persons, property and mail in the New England area and the application of Northeast Airlines, Inc., for authorization to abandon air service at the cities of Islip, New York, Riverhead, New York and New London, Connecticut, if such abandonment is found to be in the public interest.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the hearing in the above-entitled proceeding assigned for January 10, 1949, at 10:00 a. m. (eastern standard time) in Court Room 4,

Twelfth Floor, Federal Building, Devonshire Street between Milk and Water Streets, Boston, Mass., is hereby postponed to a time and place later to be assigned.

Dated at Washington, D. C., December 23, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-11364; Filed, Dec. 28, 1948;
9:01 a. m.]

[Docket No. 484]

CAPITAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Capital Airlines, Inc. (formerly Pennsylvania-Central Airlines Corporation), over its entire system.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will be held on December 29, 1948, at 10:00 a. m. (eastern standard time), in room 108, Wing C, Temporary Building No. 5, south of Constitution Avenue between 16th and 17th Streets, NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Dated at Washington, D. C., December 24, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-11365; Filed, Dec. 28, 1948;
9:01 a. m.]

[Docket No. 2724]

COLONIAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Colonial Airlines, Inc., over routes 71, 71-F, 72, and 72-F.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on December 29, 1948, at 11:00 a. m. (eastern standard time), in Room 108, Wing C, Temporary Building No. 5, south of Constitution Avenue between 16th and 17th Streets NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Dated at Washington, D. C., December 24, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-11377; Filed, Dec. 28, 1948;
9:02 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1019, G-1067, G-1092]

EL PASO NATURAL GAS CO. ET AL.

ORDER FIXING DATE FOR FURTHER HEARING

DECEMBER 22, 1948.

In the matter of El Paso Natural Gas Company, Docket No. G-1019; San Juan Pipe Line Company, Docket No. G-1067; and Pacific Gas and Electric Company, Docket No. G-1092.

The Commission having under consideration the order of November 17, 1948, in the above-entitled proceedings relating to a time and place for further hearing and the request of the parties therein;

The Commission orders:

A further public hearing be held with respect to the matters involved and the issues presented in the aforesaid consolidated proceedings beginning on January 31, 1949, at 9:30 a. m. (P. s. t.), in the hearing room of the Public Utilities Commission of California, State Building, Civic Center, San Francisco, California, at which time further direct evidence and cross-examination will be heard.

Date of issuance: December 23, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-11297; Filed, Dec. 28, 1948;
9:04 a. m.]

RECONSTRUCTION FINANCE CORPORATION

ORGANIZATION AND FUNCTIONS

The statement with respect to the organization and functions of the Reconstruction Finance Corporation, pursuant to section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002, 60 Stat. 238), is amended to read as set forth below.

CENTRAL ORGANIZATION

The Reconstruction Finance Corporation, created and existing pursuant to the Reconstruction Finance Corporation Act, approved January 22, 1932, as amended (47 Stat. 5, as amended; 15 U. S. C. and Sup., 601 et seq.), has its principal office at Washington, D. C.

The management of the Reconstruction Finance Corporation is vested, pursuant to the Reconstruction Finance Corporation Act, as amended, in a Board of Directors consisting of five members, appointed by the President with the advice and consent of the Senate.

The principal divisions of the Reconstruction Finance Corporation are: Secretary's Office, Treasurer's Office, Office of the Controller, Legal Division, Office of Loans, Office of Production, Office of War Activity Liquidation, Division of Personnel, Agency Division, Division of Information, and Small Business Division.

FIELD ORGANIZATION

Loan Agencies and special representatives. The Reconstruction Finance Cor-

poration maintains Loan Agencies located in the following cities:

LOAN AGENCY AND ADDRESS

Atlanta 3, Ga.: Healey Building.
Birmingham 3, Ala.: Comer Building.
Boston 9, Mass.: 19 Post Office Square.
Charlotte 2, N. C.: 317 South Tryon Street.
Chicago 4, Ill.: 203 South LaSalle Street.
Cleveland 1, Ohio.: Federal Reserve Bank Building.
Dallas 1, Tex.: Cotton Exchange Building.
Denver 2, Colo.: 618 Railway Exchange Building, 17th and Champa Streets.
Detroit 26, Mich.: 800 Griswold Building, 1214 Griswold Street.
Helena, Mont.: Power Block, P. O. Box 177.
Houston 2, Tex.: 601 City National Bank Building.
Jacksonville 2, Fla.: Graham Building, 24 Laura Street.
Kansas City 6, Mo.: Federal Reserve Bank Building.
Little Rock, Ark.: Pyramid Building.
Los Angeles 14, Calif.: Pacific Mutual Building.
Louisville 2, Ky.: Hoffman Building, 139 South Fourth Street.
Minneapolis 1, Minn.: Metropolitan Life Building, 125 South Third Street.
Nashville 3, Tenn.: Nashville Trust Building, 315 Union Street.
New Orleans 12, La.: 348 Baronne Street.
New York 5, N. Y.: 44 Pine Street.
Oklahoma City 2, Okla.: 1000 Commerce Exchange Building, 130 West Grand Avenue.
Omaha 2, Nebr.: Woodmen of the World Building.
Philadelphia 7, Pa.: Lincoln-Liberty Building.
Portland 5, Oreg.: Pittcock Block.
Richmond 19, Va.: Southern States Building, 7th and Main Streets.
St. Louis 1, Mo.: 407 North Eighth Street Building.
Salt Lake City 1, Utah: Dooly Building.
San Antonio 5, Tex.: Transit Tower.
San Francisco 4, Calif.: 130 Sutter Street.
Seattle 4, Wash.: 210 Central Building, 810 Third Avenue.
Spokane 8, Wash.: Columbia Building.

The territory of Alaska is served by the Seattle Loan Agency and the Reconstruction Finance Corporation has Special Representatives at the following locations:

Honolulu, T. H.: Dillingham Building, P. O. Box 3049.
San Juan 22, P. R.: Banco Popular Building. Send mail to: P. O. Box 4512.

FUNCTIONS

Under the provisions of the Reconstruction Finance Corporation Act, as amended (47 Stat. 5), and other legislation, the Corporation is authorized to make the following classes of loans, subject to the terms, conditions, restrictions, and limitations set forth therein.

Loans to business enterprises, railroads and air carriers. Section 4 (a) (1) of the Reconstruction Finance Corporation Act, as amended, authorizes the Corporation to purchase the obligations of and make loans to any business enterprise organized or operating under the laws of any State or the United States; and to railroads engaged in interstate commerce and air carriers engaged in air transportation as defined in the Civil Aeronautics Act of 1938, as amended, or to receivers or trustees of such railroads and air carriers.

Loans to financial institutions and purchases of preferred stock and capital notes of insurance companies, and loans

upon such stock. Under section 4 (a) (2) of the Reconstruction Finance Corporation Act, as amended, the Corporation is authorized to make loans to any financial institution organized under the laws of any State or of the United States. If the Secretary of the Treasury certifies to the Corporation that any insurance company is in need of funds for capital purposes, the Corporation may subscribe for or make loans upon nonassessable preferred stock in such insurance company. In any case in which, under the laws of the State in which it is located, any such insurance company so certified is not permitted to issue nonassessable preferred stock, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, the Corporation is authorized to purchase the legally issued capital notes or debentures of such insurance company.

Public agency loans. In order to aid in financing projects authorized under Federal, State, or municipal law, the Corporation is authorized by section 4 (a) (3) of the Reconstruction Finance Corporation Act, as amended, to purchase the securities and obligations of, or make loans to, (A) States, municipalities, and political subdivisions of States, (B) public agencies and instrumentalities of one or more States, municipalities, and political subdivisions of States, and (C) public corporations, boards, and commissions: *Provided*, That no such purchase or loan shall be made for payment of ordinary governmental or nonproject operating expenses as distinguished from purchases and loans to aid in financing specific public projects.

Catastrophe loans. Pursuant to section 4 (a) (4) of the Reconstruction Finance Corporation Act, as amended, the Corporation is authorized to make

such loans as it may determine to be necessary or appropriate because of floods or other catastrophes.

Financial assistance for production of prefabricated houses or components thereof. In order to aid housing production, the Corporation is authorized by section 102 of the Housing Act of 1948, approved August 10, 1948 (Pub. Law 901—80th Cong.), upon terms, conditions and limitations provided therein, to make loans to and purchase the obligations of any business enterprise for the purpose of providing financial assistance for the production of prefabricated houses or prefabricated housing components, or for large-scale modernized site construction.

Tin and synthetic rubber transactions. Joint Resolution approved June 28, 1947 (61 Stat. 190), as amended by act approved June 29, 1948 (Pub. Law 824—80th Cong.), authorizes the Corporation to continue until June 30, 1951, or until such earlier time as the Congress shall otherwise provide, (1) to buy, sell, and transport tin, and tin ore and concentrates; (2) to improve, develop, maintain, and operate by lease or otherwise the Government-owned tin smelter at Texas City, Texas; (3) to finance research in tin smelting and processing; and (4) to do all other things necessary to the accomplishment of the foregoing.

Pursuant to the Rubber Act of 1948, approved March 31, 1948 (Pub. Law 469—80th Cong.), and Executive Order 9942 approved April 1, 1948 (13 F. R. 1823), the Corporation is authorized to perform and exercise the functions designated in sections 5 (c), 5 (e), 6, 7, 8, 11 (a), and 18 (f) of the Rubber Act of 1948, relating to the production and sale of synthetic rubber.

Inquiries regarding the lending and other functions may be addressed to the Loan Agency of the Reconstruction Finance Corporation serving the territory in which the inquirer is located, or to the Washington Office of the Reconstruction Finance Corporation, Washington 25, D. C.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Purchase of Federal Housing Administration insured mortgages and Veterans' Administration guaranteed mortgages. The Federal National Mortgage Association is authorized by Title III of the National Housing Act, as amended by act approved July 1, 1948 (Pub. Law 864—80th Cong.), and as further amended by the Housing Act of 1948, approved August 10, 1948 (Pub. Law 901—80th Cong.) upon the terms, conditions, and restrictions stated therein, to purchase, service, or sell any mortgages, which are insured after April 30, 1948, under Title II, or Title VI of the National Housing Act, or guaranteed after April 30, 1948, under section 501, or section 502, or section 505 (a) of the Servicemen's Readjustment Act of 1944, as amended.

Inquiries regarding the purchase of mortgages should be addressed to Agents of the Association located in the regional offices of Reconstruction Finance Corporation. All necessary forms and instructions for the tender of mortgages may be obtained from the Agent serving the territory in which the mortgaged property is located.

LEO NIELSON,
Acting Secretary.

[F. R. Doc. 48-11300; Filed, Dec. 28, 1948;
9:01 a. m.]